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Veto Session

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JOURNAL OF THE SENATE
NINETY-FOURTH GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
SECOND REGULAR SESSION

FIRST DAY—WEDNESDAY, JANUARY 9, 2008

The Senate was called to order at 12:00 noon by Lieutenant Governor Peter Kinder.

The Reverend Carl Gauck offered the following prayer:

“Keep praying, but be thankful that God’s answers are wiser than your prayers!” (William Culbertson)

Gracious God, as we begin again in a new year let us continue communicating with You and willingly listening for Your wise answers that can guide us effectively this year. Help us be mindful always that it is Your Word that calls us to serve others even when differences arise among us. Help us make good use of our collective wisdom and seek to understand each other better.

And Lord we remember the departing of Your saints, especially Mary Frances Hunter Kinder whom we commit to Your keeping and pray for our Lt. Governor and his family during this time of grief that You will comfort them and abide with them and give them Your peace. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Shields announced that photographers from the Associated Press, KQTV, KOMU-TV and KMIZ-TV had been given permission to take pictures in the Senate Chamber and the Senate photographer had been given permission to take video and use flash in the Senate Chamber and the Senate Gallery today.

**MESSAGES FROM THE
SECRETARY OF STATE**

The President laid before the Senate the following communications from the Secretary of State, which were read:

TO THE SECRETARY OF THE SENATE

Ms. Terry Spieler

Jefferson City, MO

Madam:

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 23rd Senatorial District in the State of Missouri, on the 4th day of September, 2007, as provided by law, the following named person was elected to the office of State Senator, 23rd Senatorial District as shown by the election results certified to this office by the election authority of the 23rd Senatorial District.

Name

Tom Dempsey

3103 Buckskin Path

St. Charles, MO 63301

Office

State Senate

23rd Senatorial District

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this 18th day of September, 2007.

(Seal)

/s/ Robin Carnahan
Secretary of State

Also,

To the Honorable Senate of the 94th General Assembly, Second Regular Session, of the State of Missouri:

In compliance with Section 115.525, Revised Statutes of Missouri, I have the honor to lay before you herewith a list of the names of the members of the Senate for the 94th General Assembly (Second Regular Session) of the State of Missouri, elected at the November 2, 2004 General Election, at the Special Election held on November 8, 2005, the November 7, 2006 General Election, and the Special Election held on September 4, 2007.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the official seal of my office this 9th day of January, 2008.

/s/ Robin Carnahan

(Seal)

SECRETARY OF STATE

MISSOURI STATE SENATORS

Elected November 2, 2004

District	Name
1st	Harry Kennedy
3rd	Kevin Engler
5th	Maida Coleman
7th	John Loudon
9th	Yvonne S. Wilson
11th	Victor Callahan
13th	Timothy P. Green
15th	Michael R. Gibbons
17th	Luann Ridgeway
19th	Chuck Graham
21st	Bill Stouffer
23rd	Tom Dempsey***
25th	Robert (Rob) Mayer
27th	Jason G. Crowell
29th	Jack Goodman****
31st	Chris Koster
33rd	Chuck Purgason

***Elected at Special Election held September 4, 2007 to fill vacancy created by the resignation of Chuck Gross.

****Elected at Special Election held November 8, 2005 to fill vacancy created by the death of Larry Gene Taylor.

MISSOURI STATE SENATORS

Elected November 7, 2006

District	Name
2nd	Scott T. Rupp
4th	Jeff Smith
6th	Carl M. Vogel

8th	Matt Bartle
10th	Jolie L. Justus
12th	Brad Lager
14th	Rita H. Days
16th	Frank Barnitz
18th	Wes Shoemyer
20th	Dan Clemens
22nd	Ryan McKenna
24th	Joan Bray
26th	John Griesheimer
28th	Delbert Scott
30th	Norma Champion
32nd	Gary Nodler
34th	Charlie Shields

On roll call the following Senators were present:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

The President declared the Second Regular Session of the 94th General Assembly convened.

RESOLUTIONS

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1470

BE IT RESOLVED, by the Senate of the Ninety-fourth General Assembly of Missouri, Second Regular Session, that the rules adopted by the Ninety-fourth General Assembly of the State of Missouri, First Regular Session, as amended, insofar as they are applicable, be adopted as the rules for the control of the deliberations of the Senate of the Ninety-fourth General Assembly, Second Regular Session.

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1471

BE IT RESOLVED, by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the Second Regular Session of the Ninety-fourth General Assembly is duly convened and is now in session and ready for consideration of business.

President Pro Tem Gibbons assumed the dais and delivered the following address:

Opening Address

**Senator Michael R. Gibbons, President Pro Tem
Second Regular Session, 94th General Assembly
January 9, 2008**

Lt. Governor Kinder, members of the Missouri Senate, our families, friends, and people of Missouri:

We are honored by your presence Lt. Governor, so soon after the loss of your mother, and on behalf of the entire Senate family, we extend our deepest sympathies.

We are gathered again in this magnificent chamber to start another session of work for the people of Missouri. This is an important year and we have much to do. Yes, it is an election year. Nationally, it is the first presidential campaign in 56 years that does not include an incumbent president or vice president, and it appears to be wide open on both sides. In Missouri, five out of the six statewide offices are on the ballot, as well as half of our chamber and the entire House. Some of our members are running for reelection, some others are seeking new offices, and four of us are term-limited.

But there is something more important facing us in the first four and a half months of 2008 - that is doing the work of the Legislature to make the lives of the people we serve better. Political pundits say nothing much will happen here this year. We owe it to the people of Missouri to prove them wrong.

It is fitting that we begin in January, because this is the time of year that exudes hope and optimism. The New Year is here, and all things are possible. We meet people every day who come here as advocates, regardless of past disappointments, who believe this is the year their issue will succeed. We owe it to the people who care so much that they travel here to share their ideas to listen to them and take action where we can.

Were we elected simply to engage in political posturing? To test the wind or react to the latest poll? Or, are we here to give voice to the hopes and dreams of the people and look for those opportunities to make life better for the people we represent?

The answer, of course, is up to us.

We owe the people being taxed out of their homes our best effort to protect them from tax increases caused by reassessment.

We owe the lawful residents of Missouri our best effort to protect their safety, jobs and benefits, rather than reward illegal immigrants with jobs and public support at the taxpayers' expense.

We owe the people our best effort to help them find and afford health insurance through a marketplace that puts them in the driver's seat when it comes to healthcare decisions for their families.

These are some of the concerns that people bring up to me from all around our state. It's not a game to the people at home; they expect us to fix these problems. So, I ask you: Are we here to craft a political ad, or are we here to make life better for Missourians?

We must give our best effort. The people deserve it.

As we sit in this chamber, sometimes it is easy to overlook the messages that surround us. So let's consider the stained glass and paintings our forebearers put here some 80 years ago to speak to us every day.

On your right, there's Daniel Boone at the Judgment Tree in St. Charles County considering justice for a man accused of stealing; then Jefferson greeting Lewis and Clark on the porch of the White House upon their return from their Great Expedition to the West. To your left is our first United States Senator, Thomas Hart Benton, giving a speech in St. Louis in 1849 in support of Westward Expansion; and next to that is Frank Blair, who was running for the U.S. Senate giving a speech at Louisiana, Missouri, after he had been threatened that he would be killed if he showed up to speak because of his support for the repeal of the loyalty oath required after the Civil War. Above me is Hernando DeSoto who landed in the Spanish Region of Florida and led his men up the Mississippi River looking for riches.

In the seven years I've had the privilege of working in this chamber, I've thought a lot about these historic figures and what they have in common. What I believe they have in common is they were all, in their own way, courageous explorers enduring hardships through the unknown in pursuit of their vision for a better future.

These works of art are here to challenge us every day as we work through the unknowns of our time. They challenge us to be courageous, confront the unknown and act to secure a better future for all the people of Missouri.

On May 17th, we can take our cases to the people and let them judge how we have done. But from now until May 16th, I challenge all of us to work hard together to better the lives of the people of Missouri.

President Kinder assumed the Chair.

In accordance with Section 9.141, RSMo, the Bill of Rights was read.

RESOLUTIONS

Senators Gibbons and Coleman offered the following resolution:

SENATE RESOLUTION NO. 1472

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 15th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-fourth General Assembly, Second Regular Session, that Senate Rule 25 be amended to read as follows:

"Rule 25. The president pro tem of the senate shall appoint the following standing committees:

1. Committee on Administration, 5 members.
2. Committee on Agriculture, Conservation, Parks and Natural Resources, [8] 9 members.
3. Committee on Appropriations, 10 members.
4. Committee on Commerce, Energy and the Environment, [9] 10 members.
5. Committee on Economic Development, Tourism and Local Government, [10] 11 members.
6. Committee on Education, [10] 11 members.
7. Committee on Financial and Governmental Organizations and Elections, [8] 9 members.
8. Committee on Governmental Accountability and Fiscal Oversight, 8 members.
9. Committee on Gubernatorial Appointments, 9 members.
10. Committee on Health and Mental Health, 5 members.
11. Committee on the Judiciary and Civil and Criminal Jurisprudence, 8 members.
12. Committee on Pensions, Veterans' Affairs and General Laws, 8 members.
13. Committee on Rules, Joint Rules, Resolutions and Ethics, 7 members.
14. Committee on Seniors, Families and Public Health, [8] 9 members.
15. Committee on Small Business, Insurance and Industrial Relations, [9] 8 members.
16. Committee on Transportation, 10 members.
17. Committee on Ways and Means, 8 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee."

Senator Green offered Senate Resolution No. 1473, regarding David J. Gagan, which was adopted.

Senator Green offered Senate Resolution No. 1474, regarding Michael R. Mahler, which was adopted.

On motion of Senator Shields, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Lager.

FIRST READING OF PRE-FILED SENATE BILLS

As provided in Chapter 21, RSMo 2000, Sections 21.600, 21.605, 21.615 and 21.620, the following

pre-filed Bills and/or Joint Resolutions were introduced and read for the first time:

SB 711—By Gibbons, Kennedy, Loudon, Nodler, Dempsey, Champion, Griesheimer, Bartle, Clemens and Engler.

An Act to repeal sections 135.025, 135.030, 137.073, 137.180, 137.245, 137.335, 137.355, 137.490, 137.720, 138.090, 138.395, 138.430, and 139.031, RSMo, and to enact in lieu thereof thirteen new sections relating to property taxation.

SB 712—By Gibbons.

An Act to amend chapter 407, RSMo, by adding thereto four new sections relating to merchandising practices.

SB 713—By Gibbons.

An Act to repeal section 105.711, RSMo, and to enact in lieu thereof two new sections relating to civil immunity for department of elementary and secondary education employees, school district employees, and school districts.

SB 714—By Loudon.

An Act to repeal sections 573.025, 573.035, and 573.037, RSMo, and to enact in lieu thereof four new sections relating to child pornography, with penalty provisions and an emergency clause.

SB 715—By Loudon.

An Act to amend chapter 163, RSMo, by adding thereto one new section relating to education.

SB 716—By Loudon, Crowell and Nodler.

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to the official dating standard.

SB 717—By Kennedy and Shields.

An Act to repeal sections 135.535 and 135.562, RSMo, and to enact in lieu thereof two new sections relating to tax relief for persons assisting disabled citizens.

SB 718—By Kennedy.

An Act to repeal section 620.1881, RSMo, and to enact in lieu thereof one new section relating to job retention projects authorized under the Missouri Quality Jobs Act.

SB 719—By Kennedy.

An Act to repeal section 170.132, RSMo, and to enact in lieu thereof one new section relating to obtaining print instructional material in specialized formats.

SB 720—By Coleman.

An Act to repeal section 660.122, RSMo, and to enact in lieu thereof two new sections relating to hot weather maintenance of utility service.

SB 721—By Coleman.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to the cold weather rule.

SB 722—By Coleman.

An Act to repeal section 142.815, RSMo, and to enact in lieu thereof one new section relating to a tax exemption for motor fuel used for school buses.

SB 723—By Scott.

An Act to repeal sections 43.060 and 590.030, RSMo, and to enact in lieu thereof two new sections relating to educational requirements for certain law enforcement personnel.

SB 724—By Scott and Shoemyer.

An Act to repeal sections 195.070, 195.100, 334.104, and 335.016, RSMo, and to enact in lieu thereof five new sections relating to nurses.

SB 725—By Scott.

An Act to repeal sections 144.025 and 144.027, RSMo, and to enact in lieu thereof two new sections relating to sales tax for trade-in or exchange transactions.

SB 726—By Shields.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to a quality rating system for child care facilities.

SB 727—By Shields.

An Act to amend chapter 443, RSMo, by adding thereto one new section relating to residential mortgage fraud, with penalty provisions.

SB 728—By Shields.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment of the Deputy Charles M. Cook Memorial Highway.

SB 729—By Griesheimer.

An Act to amend chapter 64, RSMo, by adding thereto fifteen new sections relating to the Missouri county planning act, with penalty provisions.

SB 730—By Griesheimer.

An Act to repeal section 163.031, RSMo, and to enact in lieu thereof two new sections relating to the establishment of a county municipal court in certain counties.

SB 731—By Griesheimer.

An Act to repeal sections 307.355 and 643.345, RSMo, and to enact in lieu thereof three new sections relating to the motor vehicle registration process.

SB 732—By Champion, Goodman and Mayer.

An Act to repeal sections 195.010, 195.017, and 195.417, RSMo, and to enact in lieu thereof eleven new sections relating to monitoring of drugs, with penalty provisions and an effective date.

SB 733—By Champion.

An Act to repeal section 650.100, RSMo, and to enact in lieu thereof two new sections relating to crime

laboratories.

SB 734—By Champion.

An Act to repeal section 478.513, RSMo, and to enact in lieu thereof one new section relating to the thirty-first judicial circuit.

SB 735—By Bartle.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to the mandatory review of certain tax credit programs.

SB 736—By Bartle.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to drug testing for high school students participating in athletics.

SB 737—By Bartle.

An Act to amend chapter 573, RSMo, by adding thereto one new section relating to sexually oriented businesses, with penalty provisions.

SB 738—By Nodler.

An Act to repeal sections 640.710, 643.151, and 644.076, RSMo, and to enact in lieu thereof three new sections relating to concentrated animal feeding operations, with penalty provisions.

SB 739—By Nodler.

An Act to repeal sections 23.080, 23.140, 23.150, 23.153, 23.160, 23.170, 23.180, 23.190, 23.200, and 33.810, RSMo, and to enact in lieu thereof nine new sections relating to the general assembly, with an effective date for a certain section.

SB 740—By Nodler.

An Act to repeal section 64.907, RSMo, and to enact in lieu thereof one new section relating to local storm water control.

SB 741—By Bray and Days.

An Act to repeal sections 103.003, 103.005, and 103.036, RSMo, and to enact in lieu thereof three new sections relating to the inclusion of small employers in the state health care plan.

SB 742—By Bray and Days.

An Act to repeal sections 290.400, 290.410, 290.440, and 290.450, RSMo, and to enact in lieu thereof five new sections relating to equal employment practices.

SB 743—By Bray.

An Act to repeal sections 143.091, 143.121, 143.225, 143.261, 143.431, 143.451, 143.461, 143.471, 144.010, 144.030, and 144.190, RSMo, and to enact in lieu thereof nine new sections relating to taxation, with an effective date.

SB 744—By Days.

An Act to repeal sections 408.500, 408.505, and 408.506, RSMo, and to enact in lieu thereof three new sections relating to unsecured loans of five hundred dollars or less, with penalty provisions.

SB 745—By Days.

An Act to repeal sections 475.010, 475.045, and 475.105, RSMo, and to enact in lieu thereof four new sections relating to guardianship of minors and incapacitated adults.

SB 746—By Days.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for morbid obesity.

SB 747—By Ridgeway.

An Act to repeal sections 160.545, 311.310, 311.325, 577.021, 577.500, and 578.255, RSMo, and to enact in lieu thereof six new sections relating to abuse of alcohol, with penalty provisions.

SB 748—By Ridgeway.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to the calculation of adjusted gross income for income tax purposes.

SB 749—By Ridgeway.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof five new sections relating to tax incentives for certain energy uses.

SB 750—By Crowell, Nodler, Rupp, Engler, Dempsey and Bartle.

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to prohibiting the issuance of driver's licenses to illegal aliens.

SB 751—By Crowell.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to public benefits for aliens.

SB 752—By Crowell.

An Act to repeal section 8.255, RSMo, and to enact in lieu thereof one new section relating to job order contracts.

SB 753—By Mayer.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Corporal Rickey L. Bell memorial highway.

SB 754—By Mayer and Loudon.

An Act to repeal sections 650.055 and 650.056, RSMo, and to enact in lieu thereof two new sections relating to the DNA profiling system, with penalty provisions.

SB 755—By Mayer.

An Act to repeal sections 198.087 and 198.527, RSMo, and to enact in lieu thereof one new section relating to regulation of inspectors or surveyors of long-term care facilities.

SB 756—By Engler.

An Act to repeal sections 630.003, 630.635, 633.005, 633.010, 633.029, 633.180, 633.185, and 633.190, RSMo, and to enact in lieu thereof eight new sections relating to the term "mental retardation" as used by the division of mental retardation and developmental disabilities.

SB 757–By Engler.

An Act to repeal sections 105.955, 105.957, 478.010 and 478.320, RSMo, and to enact in lieu thereof five new sections relating to nonpartisan judicial elections, with an effective date for certain sections and penalty provisions.

SB 758–By Engler.

An Act to amend chapter 566, RSMo, by adding thereto one new section relating to sex offenders in state parks, with penalty provisions.

SB 759–By Stouffer.

An Act to repeal section 414.255, RSMo, and to enact in lieu thereof one new section relating to biodiesel, with penalty provisions.

SB 760–By Stouffer.

An Act to repeal sections 390.071, 390.136, and 622.095, RSMo, and to enact in lieu thereof two new sections relating to implementing the unified carrier registration plan and agreement to conform with the Unified Carrier Registration Act of 2005, with penalty provisions.

SB 761–By Stouffer.

An Act to repeal sections 302.272, 302.275, 302.321, 302.545, 302.700, 302.755, 302.775, 304.070, 304.230, 304.281, 307.100, 307.179, 311.326, 390.071, 390.136, and 622.095, RSMo, and to enact in lieu thereof eighteen new sections relating to transportation, with penalty provisions, an effective date for certain sections, and an emergency clause.

SB 762–By Wilson, Coleman, Smith and Green.

An Act to repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to anti-bullying policies.

SB 763–By Wilson, Coleman, Green and Smith.

An Act to repeal section 565.095, RSMo, and to enact in lieu thereof one new section relating to the criminalization of displaying a noose, with penalty provisions.

SB 764–By Wilson, Coleman and Smith.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to eligibility for food stamps.

SB 765–By Goodman.

An Act to repeal section 72.080, RSMo, and to enact in lieu thereof one new section relating to incorporation of municipalities, with an emergency clause.

SB 766–By Goodman.

An Act to repeal sections 210.125, 568.050, and 568.060, RSMo, and to enact in lieu thereof three new sections relating to substance abuse during pregnancy, with penalty provisions.

SB 767–By Goodman.

An Act to repeal sections 600.011 and 600.042, RSMo, and to enact in lieu thereof four new sections relating to the public defender system.

SB 768—By Rupp.

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to the Missouri commission on autism spectrum disorders.

SB 769—By Rupp.

An Act to repeal section 478.186, RSMo, and to enact in lieu thereof one new section relating to the forty-fifth judicial circuit.

SB 770—By Rupp.

An Act to amend chapter 163, RSMo, by adding thereto one new section relating to scholarship programs for elementary and secondary education students with developmental disabilities.

SB 771—By McKenna.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for contributions for protection of military personnel.

SB 772—By McKenna.

An Act to repeal section 260.225, RSMo, and to enact in lieu thereof two new sections relating to construction and demolition waste reduction.

SB 773—By Shoemyer.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the regulation and licensing of Medicare Advantage insurance agents, with penalty provisions.

SB 774—By Shoemyer.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the regulation of utility vehicles, with penalty provisions.

SB 775—By Shoemyer.

An Act to amend chapter 379, RSMo, by adding thereto one new section relating to the handling of motor vehicle repair claims by the insurance industry.

SB 776—By Justus and Koster.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to child care subsidies.

SB 777—By Justus.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to the Missouri earned income tax credit.

SB 778—By Justus.

An Act to repeal section 167.181, RSMo, and to enact in lieu thereof two new sections relating to immunizations against the human papillomavirus.

SB 779—By Smith.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to preschool programs.

SB 780–By Smith.

An Act to repeal section 170.015, RSMo, and to enact in lieu thereof one new section relating to education courses regarding human sexuality and sexually transmitted diseases.

SB 781–By Smith.

An Act to repeal section 535.040, RSMo, and to enact in lieu thereof one new section relating to landlord-tenant actions.

SB 782–By Loudon, Kennedy, Nodler, Rupp and McKenna.

An Act to repeal section 290.505, RSMo, and to enact in lieu thereof one new section relating to overtime compensation, with an emergency clause.

SB 783–By Loudon.

An Act to amend chapter 374, RSMo, by adding thereto three new sections relating to the Interstate Insurance Product Regulation Compact.

SB 784–By Coleman.

An Act to repeal section 558.019, RSMo, and to enact in lieu thereof one new section relating to sentencing discretion.

SB 785–By Coleman.

An Act to repeal section 84.010, RSMo, and to enact in lieu thereof five new sections relating to the St. Louis police force.

SB 786–By Coleman.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to radio frequency identification tags.

SB 787–By Scott.

An Act to amend chapter 320, RSMo, by adding thereto one new section relating to emergency drought conditions, with penalty provisions.

SB 788–By Scott.

An Act to repeal sections 43.543, 105.711, 135.520, 148.330, 209.285, 214.270, 256.453, 285.230, 320.082, 324.050, 324.128, 324.159, 324.200, 324.203, 324.240, 324.243, 324.400, 324.406, 324.475, 324.526, 325.010, 326.265, 327.051, 328.050, 329.025, 329.028, 329.210, 330.190, 331.100, 332.041, 332.327, 333.221, 334.123, 334.240, 334.400, 334.702, 334.735, 334.746, 334.800, 335.036, 336.160, 337.010, 337.090, 337.500, 337.600, 337.700, 338.130, 339.120, 339.507, 340.212, 345.035, 346.010, 354.305, 361.010, 361.092, 361.140, 361.160, 362.109, 362.332, 362.910, 367.500, 370.366, 374.045, 374.070, 374.075, 374.085, 374.115, 374.180, 374.202, 374.217, 374.220, 374.250, 374.456, 375.001, 375.261, 375.923, 381.410, 383.030, 407.020, 407.1085, 408.233, 408.570, 436.005, 443.803, 620.010, 620.105, 620.106, 620.111, 620.120, 620.125, 620.127, 620.130, 620.132, 620.135, 620.140, 620.145, 620.146, 620.148, 620.149, 620.150, 620.151, 620.153, 620.154, and 620.1063, RSMo, and to enact in lieu thereof one hundred thirteen new sections relating to reorganization of the department of insurance, financial institutions and professional registration, in keeping with Executive Order 06-04, with penalty provisions.

SB 789—By Griesheimer.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to mandated insurance coverage for computerized prosthetic devices.

SB 790—By Champion.

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to crime laboratories.

SB 791—By Champion.

An Act to repeal section 544.376, RSMo, and to enact in lieu thereof one new section relating to crime laboratory reports.

SB 792—By Champion.

An Act to repeal section 537.037, RSMo, and to enact in lieu thereof one new section relating to immunity from tort liability for certain healthcare professionals.

SB 793—By Bartle.

An Act to repeal sections 226.010, 226.200, and 226.220, RSMo, and to enact in lieu thereof thirteen new sections relating to the authority to construct, maintain, and operate toll facilities, with a contingent effective date.

SB 794—By Bartle and Loudon.

An Act to repeal sections 650.055 and 650.056, RSMo, and to enact in lieu thereof two new sections relating to the DNA profiling system, with penalty provisions.

SB 795—By Bartle.

An Act to repeal section 542.276, RSMo, and to enact in lieu thereof one new section relating to search warrants.

SB 796—By Bray and Days.

An Act to repeal section 115.639, RSMo, and to enact in lieu thereof one new section relating to employment practices during elections.

SB 797—By Bray.

An Act to repeal sections 115.315 and 115.327, RSMo, and to enact in lieu thereof two new sections relating to third party candidates.

SB 798—By Bray and Days.

An Act to repeal section 116.090, RSMo, and to enact in lieu thereof one new section relating to signing initiative and referendum petitions, with penalty provisions.

SB 799—By Days.

An Act to amend chapters 162 and 208, RSMo, by adding thereto two new sections relating to children's mental health.

SB 800—By Days.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to the creation of a death penalty commission.

SB 801–By Ridgeway.

An Act to repeal sections 84.480 and 84.510, RSMo, and to enact in lieu thereof two new sections relating to certain police officers' compensation.

SB 802–By Ridgeway.

An Act to amend chapter 570, RSMo, by adding thereto one new section relating to theft of electrical devices, with a penalty provision.

SB 803–By Crowell.

An Act to repeal section 537.080, RSMo, and to enact in lieu thereof one new section relating to actions for wrongful death.

SB 804–By Crowell.

An Act to amend chapter 29, RSMo, by adding thereto one new section relating to auditing of school districts.

SB 805–By Mayer.

An Act to repeal section 137.016, RSMo, and to enact in lieu thereof one new section relating to the assessment and levy of property taxes.

SB 806–By Engler.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to display of flags on government buildings.

SB 807–By Engler and Bray.

An Act to amend chapter 130, RSMo, by adding thereto one new section relating to lobbyists.

SB 808–By Engler and Bray.

An Act to repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to the awarding of fee office contracts by the director of the department of revenue.

SB 809–By Stouffer.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to the regulation of outdoor advertising.

SB 810–By Stouffer.

An Act to repeal section 414.255, RSMo, and to enact in lieu thereof one new section relating to renewable fuels, with penalty provisions.

SB 811–By Stouffer.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for the use of idle reduction technology.

SB 812–By Wilson and Smith.

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to the unlawful use of weapons, with penalty provisions.

SB 813–By Wilson.

An Act to repeal sections 571.010 and 571.030, RSMo, and to enact in lieu thereof two new sections

relating to stun guns, with penalty provisions.

SB 814—By Wilson.

An Act to repeal section 99.1205, RSMo, and to enact in lieu thereof one new section relating to the land assemblage tax credit program.

SB 815—By Goodman.

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to farm mentoring and education.

SB 816—By Goodman.

An Act to repeal sections 67.2500 and 67.2510, RSMo, and to enact in lieu thereof two new sections relating to theater, cultural arts, and entertainment districts.

SB 817—By Goodman.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to anatomic pathology services.

SB 818—By Rupp, Kennedy and Dempsey.

An Act to repeal sections 565.090 and 565.225, RSMo, and to enact in lieu thereof three new sections relating to crimes of harassment, with penalty provisions.

SB 819—By Rupp.

An Act to repeal sections 513.605, 578.025, and 578.030, RSMo, and to enact in lieu thereof four new sections relating to dog fighting, with penalty provisions.

SB 820—By Rupp.

An Act to repeal section 48.030, RSMo, and to enact in lieu thereof one new section relating to counties changing classification.

SB 821—By Shoemyer.

An Act to repeal section 208.955, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet oversight committee.

SB 822—By Shoemyer.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to a property tax for cemetery maintenance.

SB 823—By Shoemyer.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to a sales tax exemption for sales of weather radios.

SB 824—By Justus.

An Act to repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, and to enact in lieu thereof nine new sections relating to human rights.

SB 825—By Justus.

An Act to repeal section 59.319, RSMo, and to enact in lieu thereof one new section relating to recording fees.

SB 826–By Justus.

An Act to repeal section 311.060, RSMo, and to enact in lieu thereof one new section relating to liquor licenses.

SB 827–By Smith.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to increased salaries for certain elementary and secondary education teachers.

SB 828–By Smith.

An Act to repeal section 167.029, RSMo, and to enact in lieu thereof one new section relating to school uniforms.

SB 829–By Smith.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to student to teacher ratios in a metropolitan school district.

SB 830–By Coleman.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to combat veterans.

SB 831–By Coleman.

An Act to repeal section 163.011, RSMo, and to enact in lieu thereof one new section relating to state funding for elementary and secondary education.

SB 832–By Coleman.

An Act to repeal section 160.530, RSMo, and to enact in lieu thereof three new sections relating to teacher resource centers for school districts.

SB 833–By Bartle.

An Act to repeal section 168.021, RSMo, and to enact in lieu thereof two new sections relating to teachers of mathematics and science.

SB 834–By Bartle.

An Act to amend chapter 273, RSMo, by adding thereto four new sections relating to dangerous dogs, with penalty provisions.

SB 835–By Bray and Days.

An Act to repeal sections 546.680, 546.690, 546.700, 546.710, 546.720, 546.730, 546.740, 546.750, 546.800, 546.810, 546.820, 565.004, 565.006, 565.020, 565.030, 565.032, 565.035, and 565.040, RSMo, and to enact in lieu thereof four new sections relating to repealing the death penalty, with penalty provisions.

SB 836–By Bray.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to criminally negligent storage of a firearm, with penalty provisions.

SB 837–By Bray.

An Act to repeal sections 36.390, 106.010, 168.116, and 168.118, RSMo, and to enact in lieu thereof thirteen new sections relating to public employee due process.

SB 838—By Engler.

An Act to repeal section 142.028, RSMo, and to enact in lieu thereof one new section relating to fuel ethanol production from qualified biomass.

SB 839—By Engler.

An Act to repeal section 177.088, RSMo, and to enact in lieu thereof one new section relating to the transfer of title to real property for school districts.

SB 840—By Engler.

An Act to repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, RSMo, and to enact in lieu thereof eight new sections relating to telephone calls.

SB 841—By Stouffer.

An Act to repeal section 304.180, RSMo, and to enact in lieu thereof one new section relating to vehicle weight regulations.

SB 842—Withdrawn.

SB 843—By Wilson.

An Act to amend chapter 196, RSMo, by adding thereto three new sections relating to youth smoking.

SB 844—By Rupp.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to transfer of teacher records.

SB 845—By Rupp and Dempsey.

An Act to repeal section 71.012, RSMo, and to enact in lieu thereof one new section relating to the annexing of certain public land.

SB 846—By Rupp.

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof two new sections relating to higher education scholarships.

SB 847—By Shoemyer.

An Act to amend chapter 266, RSMo, by adding thereto one new section relating to the seed availability and competition act, with penalty provisions.

SB 848—By Shoemyer.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to accessibility of offices in the state capitol.

SB 849—By Shoemyer.

An Act to repeal section 37.710, RSMo, and to enact in lieu thereof one new section relating to the office of child advocate.

SB 850—By Justus.

An Act to repeal section 336.140, RSMo, and to enact in lieu thereof one new section relating to the board of optometry.

SB 851–By Justus.

An Act to repeal section 571.070, RSMo, and to enact in lieu thereof one new section relating to possession of a concealable firearm by certain felons, with penalty provisions.

SB 852–By Smith.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating solely to the creation of an earned income tax credit.

SB 853–By Smith.

An Act to amend chapter 128, RSMo, by adding thereto one new section relating to the Agreement Among the States to Elect the President by National Popular Vote Act.

SB 854–By Coleman.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to physical education graduation requirements.

SB 855–By Coleman.

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to counseling services under the MO HealthNet program.

SB 856–By Engler.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the creation of the armed forces expeditionary medal license plate.

SB 857–By Rupp.

An Act to repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, RSMo, and to enact in lieu thereof six new sections relating to telephonic solicitations, with penalty provisions.

SB 858–By Rupp.

An Act to repeal sections 172.360, 174.130, 178.635, 178.780, and 285.025, RSMo, and to enact in lieu thereof eleven new sections relating to illegal immigrants, with penalty provisions.

SB 859–By Rupp.

An Act to amend chapter 354, RSMo, by adding thereto three new sections relating to the issuance of high deductible health plans by health maintenance organizations.

SB 860–By Shoemyer.

An Act to amend chapter 523, RSMo, by adding thereto one new section relating to prohibiting condemnation of property owned by a gun or sportsmen's club.

SB 861–By Shoemyer.

An Act to repeal section 577.023, RSMo, and to enact in lieu thereof one new section relating to intoxication-related traffic offenses, with penalty provisions.

SB 862–By Shoemyer.

An Act to amend chapter 266, RSMo, by adding thereto one new section relating to private investigations for farm commodities, with a penalty provision.

SB 863—By Rupp.

An Act to repeal section 166.435, RSMo, and to enact in lieu thereof one new section relating to the income tax deduction for contributions to the Missouri higher education savings program.

SB 864—By Rupp.

An Act to amend chapters 488 and 590, RSMo, by adding thereto twelve new sections relating to the law enforcement safety fund, with penalty provisions.

SB 865—By Rupp and Gibbons.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to prohibiting discrimination in life insurance based upon lawful travel destinations, with penalty provisions.

SB 866—By Shoemyer.

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to wage requirements for employers.

SB 867—By Shoemyer.

An Act to repeal section 105.005, RSMo, and to enact in lieu thereof one new section relating to state officials and employees compensation.

SB 868—By Shoemyer.

An Act to amend chapter 379, RSMo, by adding thereto one new section relating to the unfair trade practice of an insurance company failing to follow standards set forth in industry recognized repair manuals or automated appraisal systems when appraising a damaged vehicle.

SB 869—By Shoemyer and Barnitz.

An Act to repeal section 374.755, RSMo, and to enact in lieu thereof one new section relating to bail bond agents, with a penalty provision.

SB 870—By Loudon.

An Act to repeal section 376.1753, RSMo, relating to the practice of midwifery.

SB 871—By Bray.

An Act to repeal section 173.392, RSMo, and to enact in lieu thereof one new section relating to money appropriated for the Lewis and Clark discovery fund.

SB 872—By Stouffer.

An Act to repeal sections 226.510 and 226.560, RSMo, and to enact in lieu thereof two new sections relating to the regulation of outdoor advertising.

SB 873—By Graham.

An Act to repeal sections 172.030, 172.035, 172.037, 172.040, 172.060, 174.055, 174.450, 174.453, 174.610, 174.620, and 174.621, RSMo, and to enact in lieu thereof ten new sections relating to the governing boards of certain state higher education institutions.

SB 874—By Graham.

An Act to repeal section 43.130, RSMo, and to enact in lieu thereof one new section relating to highway patrol uniforms.

SB 875–By Graham.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the Missouri Civil War discovery trail fund.

SB 876–By Graham.

An Act to repeal section 32.115, RSMo, and to enact in lieu thereof two new sections relating to a tax credit for contributions to support the preservation of Missouri's civil war sites.

SB 877–By Mayer.

An Act to amend chapter 379, RSMo, by adding thereto eight new sections relating to the establishment of the Missouri catastrophe fund.

SB 878–By Graham.

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to the disclosure of news sources and information.

SB 879–By Clemens.

An Act to repeal sections 348.434 and 348.436, RSMo, and to enact in lieu thereof two new sections relating to agricultural tax credits, with an expiration date.

SB 880–By Green.

An Act to repeal sections 210.900, 210.903, 210.906, 210.909, 210.915, 210.921, 210.927, 610.010, 630.005, 630.165, 630.167, 630.410, 630.705, 630.715, 630.755, and 633.005, RSMo, and to enact in lieu thereof twenty new sections relating to private mental health facilities and group homes, with penalty provisions.

SB 881–By Green.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment and administration of a drunk driving memorial sign program.

SB 882–By Green.

An Act to amend chapter 407, RSMo, by adding thereto three new sections relating to consumer credit reports.

SB 883–By Graham.

An Act to repeal section 105.456, RSMo, and to enact in lieu thereof one new section relating to lobbying.

SB 884–By Graham.

An Act to repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to safety belts, with a penalty provision.

SB 885–By Graham.

An Act to repeal section 210.861, RSMo, and to enact in lieu thereof one new section relating to the community children's services fund.

SB 886–By Justus.

An Act to amend chapter 273, RSMo, by adding thereto one new section relating to dangerous dog ordinances.

SB 887—By Dempsey and Bray.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the use of wireless telephones while operating motor vehicles, with penalty provisions.

SB 888—By Green.

An Act to amend chapter 163, RSMo, by adding thereto one new section relating to school funding.

SB 889—By Green.

An Act to repeal sections 409.5-508 and 409.6-604, RSMo, and to enact in lieu thereof two new sections relating to securities regulation, with penalty provisions.

SB 890—By Green.

An Act to repeal section 301.040, RSMo, and to enact in lieu thereof one new section relating to motor vehicle registration notices.

SB 891—By Green.

An Act to repeal section 52.240, RSMo, and to enact in lieu thereof one new section relating to imposition of penalties and interest for certain property tax payments.

SB 892—By Green.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the use of automated photo red light enforcement systems by local governments.

SB 893—By Green.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof two new sections relating to small business health insurance expenses deduction.

SB 894—By Green.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof two new sections relating to a tax deduction for higher education expenses.

SB 895—By Clemens.

An Act to amend chapter 260, RSMo, by adding thereto fourteen new sections relating to recycling of computer equipment.

SB 896—By Stouffer.

An Act to repeal sections 233.010 and 233.155, RSMo, and to enact in lieu thereof five new sections relating to incorporated road districts.

SB 897—By Wilson.

An Act to repeal section 67.1063, RSMo, and to enact in lieu thereof one new section relating to homeless person assistance.

SB 898—By Clemens.

An Act to repeal sections 135.800, 135.805, 142.028, 260.546, 261.035, 261.230, 261.235, 261.239, 263.232, 265.200, 348.430, 348.432, 348.505, 414.012, 414.032, 414.042, 414.052, 414.112, 414.122, and 414.420, RSMo, and to enact in lieu thereof twenty-five new sections relating to the administration of agriculture incentives and programs.

SB 899–By Dempsey.

An Act to repeal sections 43.650, 589.402, and 589.407, RSMo, and to enact in lieu thereof four new sections relating to sex offender information.

SB 900–By Vogel.

An Act to repeal section 67.1000, RSMo, and to enact in lieu thereof one new section relating to transient guest taxes.

SB 901–By Loudon and Nodler.

An Act to repeal sections 287.020, 287.200, and 287.230, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation, with an emergency clause.

SB 902–By Loudon.

An Act to amend chapter 385, RSMo, by adding thereto thirteen new sections relating to the vehicle protection product act, with penalty provisions and an effective date.

SB 903–By Griesheimer.

An Act to repeal sections 387.075 and 390.030, RSMo, and to enact in lieu thereof one new section relating to the regulation of household good movers.

SB 904–By Griesheimer.

An Act to repeal section 319.015, RSMo, and to enact in lieu thereof four new sections relating to underground facilities.

SB 905–By Loudon.

An Act to amend chapter 388, RSMo, by adding thereto sixteen new sections relating to the Regional Railroad Authorities Act.

SB 906–By Vogel.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment of the Lance Corporal Leon B. Deraps memorial highway.

SB 907–By Engler and Gibbons.

An Act to repeal sections 260.1003, 319.107, 319.125, 319.129, 319.131, and 319.133, RSMo, and to enact in lieu thereof eight new sections relating to the regulation of motor fuel tanks.

SB 908–By Engler.

An Act to repeal sections 11.010 and 11.020, RSMo, and to enact in lieu thereof two new sections relating to the official state manual.

SB 909–By Engler.

An Act to repeal section 116.080, RSMo, and to enact in lieu thereof one new section relating to petition circulators, with penalty provisions.

SB 910–By Graham.

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to automated external defibrillators.

SB 911—By Engler.

An Act to repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to school days lost due to inclement weather.

SB 912—By Engler.

An Act to repeal sections 556.061, 559.100, 565.081, 565.082, and 565.083, RSMo, and to enact in lieu thereof six new sections relating to crimes against criminal justice officials, with penalty provisions.

SB 913—By Bray.

An Act to amend chapter 407, RSMo, by adding thereto eleven new sections relating to consumer protection for home owners, with penalty provisions.

SB 914—By Bray.

An Act to amend chapter 273, RSMo, by adding thereto twelve new sections relating to the healthy pet act.

SB 915—By Ridgeway.

An Act to repeal section 537.035, RSMo, and to enact in lieu thereof one new section relating to peer review committees.

SB 916—By Goodman.

An Act to amend chapter 197, RSMo, by adding thereto fourteen new sections relating to reporting, analysis, and dissemination of information about medical records.

SB 917—By Goodman, Purgason and Clemens.

An Act to repeal sections 195.070, 195.100, 337.010, 337.015, 337.020, 337.050, and 338.198, RSMo, and to enact in lieu thereof eight new sections relating to psychologist licensing.

SB 918—By Goodman.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to immunosuppressive drugs.

SB 919—By Rupp.

An Act to repeal section 260.750, RSMo, and to enact in lieu thereof two new sections relating to the transportation of radioactive waste, with penalty provisions.

SB 920—By Rupp.

An Act to amend chapter 209, RSMo, by adding thereto one new section relating to real-time captioning of certain television programming.

SB 921—By Goodman.

An Act to repeal section 105.711, RSMo, and to enact in lieu thereof one new section relating to coverage under the state legal expense fund for certain healthcare professionals providing services at summer camps.

SB 922—By Goodman.

An Act to repeal section 575.060, RSMo, and to enact in lieu thereof one new section relating to false

declarations, with penalty provisions.

SJR 29—By Loudon and Crowell.

Joint Resolution submitting to the qualified voters of Missouri, an amendment amending article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the official dating standard.

SJR 30—By Coleman.

Joint Resolution submitting to the qualified voters of Missouri, and amendment repealing section 13 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to laws that are retrospective in operation.

SJR 31—By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30 (b) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the highways and transportation commission authority to finance, construct, operate, and maintain toll facilities.

SJR 32—By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri, relating to the Missouri savings account fund.

SJR 33—By Ridgeway.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 3 and 4 (b) of article X of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the assessment of residential real property.

SJR 34—By Crowell and Coleman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 13 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to laws that are retrospective in operation.

SJR 35—By Shoemyer.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VI of the Constitution of Missouri, and adopting one new section relating to local government.

SJR 36—By Graham.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 36 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the presentation of a balanced budget by the general assembly to the governor.

SJR 37—By Graham.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 15 and 24 of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to duties of the state treasurer.

SJR 38—By Clemens.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 20 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the legislative sessions of the general assembly.

SJR 39—By Clemens.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, 8, and 11 of article III of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to the general assembly.

SJR 40—By McKenna.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to a statewide sales and use tax to fund the Missouri State Highway Patrol.

SJR 41—By Rupp.

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 1 of article V of the Constitution of Missouri, and adopting one new section in lieu thereof relating to state court jurisdiction.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 923—By Shoemyer.

An Act to repeal section 208.955, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet oversight committee.

SB 924—By Koster.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to a sales tax exemption for the purchase of certain motor vehicles.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 2, 2007, while the Senate was not in session.

James R. Asahl, 5728 Henwick Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 20, 2007, while the Senate was not in session.

Elizabeth B. Aull, Republican, 2391 East Wayland Street, Springfield, Greene County, Missouri 65804, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2008, and until her successor is duly appointed and qualified; vice, Derrick Standley, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 7, 2007, while the Senate was not in session.

Mary I. Beveridge, 6164 Charlotte Street, Kansas City, Jackson County, Missouri 64110, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2009, and until her successor is duly appointed and qualified; vice, Mary I. Beveridge, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2007, while the Senate was not in session.

John L. Boland, 16 Springcreek, Troy, Lincoln County, Missouri 63379, as a member of the Missouri Propane Gas Commission, for a term ending June 30, 2010, and until his successor is duly appointed and qualified; vice, RSMo 323.025.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 20, 2007, while the Senate was not in session.

Paula G. Bonney, 24035 Rich Lane, Waynesville, Pulaski County, Missouri 65583, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2010, and until her successor is duly appointed and qualified; vice, Margaret Freeman,

term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 20, 2007, while the Senate was not in session.

Andrew J. Bracker, Democrat, 641 West 61st Street, Kansas City, Jackson County, Missouri 64113, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2011, and until his successor is duly appointed and qualified; vice, Timothy Warren, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 28, 2007, while the Senate was not in session.

Kathryn J. Braden, Republican, 4210 Blair Ridge Road, Bradleyville, Taney County, Missouri 65614, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2007, while the Senate was not in session.

Stephen C. Bradford, Republican, 1799 Rural County Road 810, Perryville, Perry County, Missouri 63775, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2011, and until his successor is duly appointed and qualified; vice, Anne Butler Schmidt, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2007, while the Senate was not in session.

Stephen C. Bradford, 2924 Beaver Creek Drive, Cape Girardeau, Cape County, Missouri 63701, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2009, and until his successor is duly appointed and qualified; vice, RSMo 208.955.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2007, while the Senate was not in session.

Renate D. Brodecker, 211 North Olive Street, Eldon, Miller County, Missouri 65026, as a member of the Board of Therapeutic Massage, for a term ending June 17, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2007, while the Senate was not in session.

Jeanette L. Brown, 5000 Winona Avenue, Saint Louis City, Missouri 63109, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2007, while the Senate was not in session.

Mary Anne Brown, Republican, 25001 Timberlake Trail, Greenwood, Jackson County, Missouri 64034, as a member of the State Board of Senior Services, for a term ending August 30, 2010, and until her successor is duly appointed and qualified; vice, Mary Updyke, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2007, while the Senate was not in session.

John A. Buchanan, 354 David Street, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Propane Gas Commission, for a term ending June 30, 2009, and until his successor is duly appointed and qualified; vice, RSMo 323.025.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 2, 2007, while the Senate was not in session.

Noella A. Buchanan, 1800 South Brentwood Boulevard, Apartment #11211, Saint Louis, Saint Louis County, Missouri 63144, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until her successor is duly appointed and qualified; vice, Andrea Walton, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 3, 2007, while the Senate was not in session.

Donna M. Bushur, 7444 Lydia Avenue, Kansas City, Jackson County, Missouri 64131, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2008, and until her successor is duly appointed and qualified; vice, Deborah Curtis, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2007, while the Senate was not in session.

Larry L. Butler, 1613 Sunset Terrace, West Plains, Howell County, Missouri 65775, as a member of the Missouri Propane Gas Commission, for a term ending June 30, 2012, and until his successor is duly appointed and qualified; vice, RSMo 323.025.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2007, while the Senate was not in session.

Vincent M. Cannon, 1619 NE 100th Court, Kansas City, Clay County, Missouri 64155, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until his successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2007, while the Senate was not in session.

Kathleen E. Carpenter, Democrat, 10639 Highway YY, Sumner, Chariton County, Missouri 64681, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2008, and until her successor is duly appointed and qualified; vice, Elizabeth Brown, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 7, 2007, while the Senate was not in session.

Daniel K. Carr, Republican, 1932 High Drive, Liberty, Clay County, Missouri 64068, as a member of the Missouri State Penitentiary Redevelopment Commission, for a term ending March 3, 2008, and until his successor is duly appointed and qualified; vice, Daniel K. Carr, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 28, 2007, while the Senate was not in session.

Doris J. Carter, 1260 Cheyenne Drive, Florissant, Saint Louis County, Missouri 63033, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2012, and until her successor is duly appointed and qualified; vice, Anthony Thompson, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 12, 2007, while the Senate was not in session.

Nimrod T. Chapel, Jr., 435 Gladstone Boulevard, Kansas City, Jackson County, Missouri 64124, as a member of the Administrative Hearing Commission, for a term ending September 12, 2013, and until his successor is duly appointed and qualified; vice, Terry M. Jarrett, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 28, 2007, while the Senate was not in session.

Jennifer M. Charleston, 1700 South Delaware Avenue, Springfield, Greene County, Missouri 65804, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2010, and until her successor is duly appointed and qualified; vice, RSMo 590.120.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 22, 2007, while the Senate was not in session.

Derek E. Conard, 3001 SE Galvin Road, Saint Joseph, Buchanan County, Missouri 64504, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2007, while the Senate was not in session.

Gwendolyn Crimm, 3539 Connecticut Street, Saint Louis City, Missouri 63118, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2009, and until her successor is duly appointed and qualified; vice, RSMo 208.955.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 2, 2007, while the Senate was not in session.

James D. Cunningham, Jr., 2315 West 5th Street, Sedalia, Pettis County, Missouri 65301, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until his successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 22, 2007, while the Senate was not in session.

Roy E. Dameron, 111 Terra Bella Court, Jefferson City, Cole County, Missouri 65109, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until his successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 27, 2007, while the Senate was not in session.

Omar D. Davis, 7101 Stanwood Drive, Columbia, Boone County, Missouri 65203, as the Director of the Department of Revenue, for a term ending at the pleasure of the Governor, and until his successor duly appointed and qualified; vice, Julie A. Allen, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2007, while the Senate was not in session.

Frederick G. DeFeo, 10808 Wornall Road, Kansas City, Jackson County, Missouri 64114, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2008, and until his successor is duly appointed and qualified; vice, RSMo 208.955.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 3, 2007, while the Senate was not in session.

Daniel E. Devlin, Democrat, Rural Route 1 Box 80, Edina, Knox County, Missouri 63537, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2009, and until his successor is duly appointed and qualified; vice, John Aylward, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2007, while the Senate was not in session.

Timothy J. Dorsey, Republican, 1343 Westbend Drive, Dardenne Prairie, Saint Charles County, Missouri 63368, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 28, 2007, while the Senate was not in session.

Mark R. Edwards, 48 Lee Drive, Holts Summit, Callaway County, Missouri 65043, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2010, and until his successor is duly appointed and qualified; vice, RSMo 590.120.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 3, 2007, while the Senate was not in session.

Ryan N. Espenschied, 258 Centerfield Drive, O'Fallon, Saint Charles County, Missouri 63366, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until his successor is duly appointed and qualified; vice, Sheila Dullum, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 7, 2007, while the Senate was not in session.

John L. Evans, Republican, 3789 South East Highway 33, Lathrop, Clinton County, Missouri 64465, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2009, and until his successor is duly appointed and qualified; vice, John L. Evans, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2007, while the Senate was not in session.

Richard L. Fordyce, Republican, 31888 East 240 Avenue, Bethany, Harrison County, Missouri 64424, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2007, while the Senate was not in session.

Craig D. Frazier, 2465 South Forest Heights, Springfield, Greene County, Missouri 65809, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2009, and until his successor is duly appointed and qualified; vice, RSMo 208.955.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 7, 2007, while the Senate was not in session.

Derio L. Gambaro, Democrat, 5320 Wilson Avenue, Saint Louis City, Missouri 63110, as a member of the State Board of Education, for a term ending July 1, 2012, and until his successor is duly appointed and qualified; vice, Derio L. Gambaro, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 22, 2007, while the Senate was not in session.

Carol W. Gasser, 1013 Olde Coventry Drive, Saint Charles, Saint Charles County, Missouri 63301, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2008, and until her successor is duly appointed and qualified; vice, Kathy Bargeon, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 22, 2007, while the Senate was not in session.

Wayne D. Graves, 6130 North Mattox, Kansas City, Platte County, Missouri 64151, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2009, and until his successor is duly appointed and qualified; vice, Linda Hancik, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2007, while the Senate was not in session.

Shawn P. Griffin, 2305 Bent Tree Court, Saint Joseph, Buchanan County, Missouri 64506, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2009, and until his successor is duly appointed and qualified; vice, RSMo 208.955.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2007, while the Senate was not in session.

Kathleen Y. Hampton, 3151 County Road 609, Bernie, Stoddard County, Missouri 63822, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until her successor is duly appointed and qualified; vice, Laurie Barrow, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 2, 2007, while the Senate was not in session.

Mark D. Head, 8136 Highway 185, Leslie, Franklin County, Missouri 63056, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2011, and until his successor is duly appointed and qualified; vice, John T. Wade, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2007, while the Senate was not in session.

Charles M. Heiss, 853 NW 675, Centerview, Johnson County, Missouri 64019, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2010, and until his successor is duly appointed and qualified; vice, Gary Toelke, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2007, while the Senate was not in session.

Jonathan L. Held, 125 East 2nd Street, Hermann, Gasconade County, Missouri 65041, as a member of the Missouri Wine and Grape Board, for a term ending October 28, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2007, while the Senate was not in session.

Jane A. Henke, 7219 Picasso Drive, Dardenne Prairie, Saint Charles County, Missouri 63368, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2007, while the Senate was not in session.

Peter F. Herschend, Republican, 538 Oak Bluff Road, Branson, Taney County, Missouri 65616, as a member of the State Board of Education, for a term ending July 1, 2015, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2007, while the Senate was not in session.

Rebecca L. Herwick, 3727 Afshari Circle, Florissant, Saint Louis County, Missouri 63034, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2009, and until her successor is duly appointed and qualified; vice, Barry Feinberg, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2007, while the Senate was not in session.

Richard B. Hicks, 112 Edgewood Drive, Hallsville, Boone County, Missouri 65255, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2008, and until his successor is duly appointed and qualified; vice, Cynthia Rushefsky, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 12, 2007, while the Senate was not in session.

Arthur R. Higgins, 4267 NE Highway 82, Osceola, Saint Clair County, Missouri 64776, as a member of the Missouri Propane Gas Commission, for a term ending June 30, 2011, and until his successor is duly appointed and qualified; vice, RSMo 323.025.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 20, 2007, while the Senate was not in session.

John C. Hilton, 3751 Jason Avenue, Alexandria, Virginia 22302, as a member of the Truman State University Board of Governors, for a term ending January 1, 2013, and until his successor is duly appointed and qualified; vice, Matthew Barnes, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 7, 2007, while the Senate was not in session.

Samuel M. Hunter, Democrat, 1288 State Highway HH, Sikeston, Scott County, Missouri 63801, as a member of the Clean Water Commission, for a term ending April 12, 2008, and until his successor is duly appointed and qualified; vice, Davis Minton, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 11, 2007, while the Senate was not in session.

Terry M. Jarrett, Republican, 2708 Kenwood Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Public Service Commission, for a term ending September 11, 2013, and until his successor is duly appointed and qualified; vice, Steve Gaw, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 31, 2007, while the Senate was not in session.

Joseph V. Knodell, Republican, 3663 McLane Drive, Poplar Bluff, Butler County, Missouri 63901, as a member of the Board of Probation and Parole, for a term ending August 28, 2012, and until his successor is duly appointed and qualified; vice, Scott Thomas, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 20, 2007, while the Senate was not in session.

Thomas G. Kolb, 509 Turnberry Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2007, while the Senate was not in session.

Glen R. Kolkmeier, 101 East Buford, Wellington, Lafayette County, Missouri 64097, as a member of the Missouri Propane Gas Commission, for a term ending June 30, 2012, and until his successor is duly appointed and qualified; vice, RSMo 323.025.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 28, 2007, while the Senate was not in session.

James M. Lakenan, III, 316 Highway N, Perryville, Perry County, Missouri 63775, as a member of the Seismic Safety Commission, for a term ending July 1, 2010, and until his successor is duly appointed and qualified; vice, Susan Green, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2007, while the Senate was not in session.

Steven H. Lipstein, 10 Carrswold Drive, Clayton, Saint Louis County, Missouri 63105, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2009, and until his successor is duly appointed and qualified; vice, RSMo 208.955.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 13, 2007, while the Senate was not in session.

Anton H. Luetkemeyer, 156 East Old Plank Road, Columbia, Boone County, Missouri 65203, as student representative of the University of Missouri Board of Curators, for a term ending January 1, 2008, and until his successor is duly appointed and qualified; vice, Anton H. Luetkemeyer, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 23, 2007, while the Senate was not in session.

Daniel T. Mahn, Democrat, 900 North Main Street, Desoto, Jefferson County, Missouri 63020, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2012, and until his successor is duly appointed and qualified; vice, Kenneth McGhee, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2007, while the Senate was not in session.

Joyce McMahan Massey, 16150 Panther Drive, Lebanon, Laclede County, Missouri 65536, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until her successor is duly appointed and qualified; vice, RSMo. 210.153.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2007, while the Senate was not in session.

Vicki L. McCarrell, 6879 Highway 135, Pilot Grove, Cooper County, Missouri 65276, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2007, while the Senate was not in session.

Debra O. McCaul, 18298 County Road 8440, Rolla, Phelps County, Missouri 65401, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2008, and until her successor is duly appointed and qualified; vice, RSMo 208.955.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2007, while the Senate was not in session.

Lydia H. McEvoy, 1409 NE 102nd Terrace, Kansas City, Clay County, Missouri 64155, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2007, while the Senate was not in session.

Wilbur Craig McGuire, 4 Out Post Court, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until his successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2007, while the Senate was not in session.

Tammy D. McLane, 6521 Pernod Avenue, Saint Louis City, Missouri 63139, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2010, and until her successor is duly appointed and qualified; vice, Jessica Melching, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2007, while the Senate was not in session.

Anne E. McRoberts, Republican, Rural Route 1 Box 71, Malta Bend, Saline County, Missouri 65339, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2008, and until her successor is duly appointed and qualified; vice, E. Gail Beatty, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 31, 2007, while the Senate was not in session.

John E. Mehner, 236 Garnet Lane, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Development Finance Board, for a term ending September 14, 2011, and until his successor is duly appointed and qualified; vice, James Hill, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 22, 2007, while the Senate was not in session.

Kerry K. Messer, 6336 State Road DD, Festus, Saint Genevieve County, Missouri 63028, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until his successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2007, while the Senate was not in session.

Terry D. Milam, 805 Chateau Valley Court, Ferguson, Saint Louis County, Missouri 63135, as a member of the Amber Alert System Oversight Committee, for a term ending October 20, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2007, while the Senate was not in session.

Heidi B. Miller, 6910 Columbia Avenue, Saint Louis, Saint Louis County, Missouri 63130, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2009, and until her successor is duly appointed and qualified; vice, RSMo 208.955.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 2, 2007, while the Senate was not in session.

Randy D. Mooney, Republican, 7725 East Farm Road 194, Rogersville, Greene County, Missouri 65742, as a member of the State Milk Board, for a term ending September 28, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 3, 2007, while the Senate was not in session.

DeEtta L. Murphy, Rural Route 1 Box 65, Houstonia, Saline County, Missouri 65333, as a member of the Linked Deposits Review Committee, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Craig Westfall, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 12, 2007, while the Senate was not in session.

Karlton B. Nash, 23585 Highway 371, Dearborn, Platte County, Missouri 64439, as a member of the Missouri Propane Gas Commission, for a term ending June 30, 2012, and until his successor is duly appointed and qualified; vice, RSMo 323.025.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2007, while the Senate was not in session.

Laura M. Neal, 512 Campusview Drive, Columbia, Boone County, Missouri 65201, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2009, and until her successor is duly appointed and qualified; vice, RSMo 208.955.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 20, 2007, while the Senate was not in session.

Michael G. Nordwald, Republican, 17615 H Highway, Liberty, Clay County, Missouri 64068, as a member of the Missouri Alternative Fuels Commission, for a term ending March 25, 2011, and until his successor is duly appointed and qualified; vice, RSMo 414.420.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 7, 2007, while the Senate was not in session.

John P. Orr, Democrat, 55 Moorgate Court, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Elevator Safety Board, for a term ending June 6, 2010, and until his successor is duly appointed and qualified; vice, John P. Orr, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2007, while the Senate was not in session.

Barbara G. Ostmann, 4467 Big Creek Road, Gerald, Franklin County, Missouri 63037, as a member of the Missouri Wine and Grape Board, for a term ending October 28, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2007, while the Senate was not in session.

James D. Palmer, 2001 NW 62nd Street, Kansas City, Platte County, Missouri 64151, as a member of the Seismic Safety Commission, for a term ending July 1, 2010, and until his successor is duly appointed and qualified; vice, Theodore Pruess, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2007, while the Senate was not in session.

Cynthia L. Parks, 2665 Locust Grove Church Road, Columbia, Boone County, Missouri 65202, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2008, and until her successor is duly appointed and qualified; vice, Jeannette Zinkgraf, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 7, 2007, while the Senate was not in session.

Ben A. “Todd” Parnell, Democrat, 3545 Cinnamon Place, Springfield, Greene County, Missouri 65809, as a member of the Clean Water Commission, for a term ending April 12, 2008, and until his successor is duly appointed and qualified; vice, Ben A. “Todd” Parnell, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2007, while the Senate was not in session.

Joseph E. Pierle, 1224 Rosner Hills Road, Jefferson City, Cole County, Missouri 65109, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2009, and until his successor is duly appointed and qualified; vice, RSMo 208.955.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2007, while the Senate was not in session.

Karen M. Prescott, Democrat, 2506 South Brandon, Springfield, Greene County, Missouri 65809, as a member of the State Milk Board, for a term ending September 28, 2011, and until her successor is duly appointed and qualified; vice, Ronald Boyer, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 3, 2007, while the Senate was not in session.

Julie A. Robinson, 1740 El Rio Drive, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2007, while the Senate was not in session.

Dorothy E.A. Rowland, 20857 State Highway D, Dexter, Stoddard County, Missouri 63841, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 22, 2007, while the Senate was not in session.

Stephen G. Sanders, 6006 NW 101st Terrace, Kansas City, Platte County, Missouri 64154, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until his successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2007, while the Senate was not in session.

Kenneth J. Schmidt, 5355 Highway Y, French Village, Saint Francois County, Missouri 63036, as a member of the Missouri Propane Gas Commission, for a term ending June 30, 2010, and until his successor is duly appointed and qualified; vice, RSMo 323.025.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 7, 2007, while the Senate was not in session.

John W. Siscel, III, Republican, 4804 Marchwood Drive, Saint Louis, Saint Louis County, Missouri 63128, as a member of the Truman State University Board of Governors, for a term ending January 1, 2012, and until his successor is duly appointed and qualified; vice, Thomas Jayne, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 12, 2007, while the Senate was not in session.

Catherine S. Smith, Republican, 3917 Little Woods Drive, Trenton, Grundy County, Missouri 64683, as a member of the Missouri State University Board of Governors, for a term ending January 1, 2013, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 27, 2007, while the Senate was not in session.

Todd P. Smith, 2405 Woodland Drive, Sedalia, Pettis County, Missouri 65301, as the Director of the Department of Labor and Industrial Relations, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Omar D. Davis, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 7, 2007, while the Senate was not in session.

Wayman F. Smith, Democrat, 6159 Lindell Boulevard, Saint Louis City, Missouri 63112, as a member of the Harris-Stowe State University Board of Regents, for a term ending July 28, 2012, and until his successor is duly appointed and qualified; vice, Wayman F. Smith, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 7, 2007, while the Senate was not in session.

Christopher S. Stigall, 11101 North Hunter Avenue, Kansas City, Clay County, Missouri 64157, as a member of the Amber Alert System Oversight Committee, for a term ending October 20, 2009, and until his successor is duly appointed and qualified; vice, Christopher S. Stigall, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 7, 2007, while the Senate was not in session.

Richard “Rick” Sullivan, Jr., 10600 Ballantrae Drive, Saint Louis, Saint Louis County, Missouri 63131, as Chief Executive Officer of the Transitional School District of Saint Louis City, for a term ending June 15, 2010, and until his successor is duly appointed and qualified, or the transitional district is dissolved or terminated; vice, Richard “Rick” Sullivan, Jr., withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 22, 2007, while the Senate was not in session.

Kristin A. Thomas-Sohl, 206 West Briarwood Lane, Columbia, Boone County, Missouri 65203, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2009, and until her successor is duly appointed and qualified; vice, Timothy Fete, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2007, while the Senate was not in session.

William Dennis Thousand, 6296 South Hunters Trail, Springfield, Greene County, Missouri 65810, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2008, and until his successor is duly appointed and qualified; vice, RSMo 208.955.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 22, 2007, while the Senate was not in session.

Annetta M. Vickers, 5212 Lexington Avenue, Saint Louis City, Missouri 63115, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 7, 2007, while the Senate was not in session.

David L. Vlach, 8109 North Cosby Avenue, Kansas City, Platte County, Missouri 64151, as a member of the Mental Health Commission, for a term ending June 28, 2010, and until his successor is duly appointed and qualified; vice, John Constantino, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2007, while the Senate was not in session.

Curtis P. Wall, 3112 Rademan Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Propane Gas Commission, for a term ending June 30, 2009, and until his successor is duly appointed and qualified; vice, RSMo 323.025.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 2, 2007, while the Senate was not in session.

Richard A. Walter, Independent, 120 Foxfire Lane, Joplin, Jasper County, Missouri 64801, as a member of the Missouri Southern State University Board of Governors, for a term ending August 30, 2013, and until his successor is duly appointed and qualified; vice, Douglas A. Brooks, Ph.D., term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2007, while the Senate was not in session.

Melinda L. Ward, 19551 State Highway N, Marthasville, Warren County, Missouri 63357, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2011, and until her successor is duly appointed and qualified; vice, Donna Powell-Cordle, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 28, 2007, while the Senate was not in session.

Robert J. Weber, 2009 Wind Valley Court, Jefferson City, Cole County, Missouri 65101, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2009, and until his successor is duly appointed and qualified; vice, Jerry Milbourn, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2007, while the Senate was not in session.

Michael “Wayne” Wheeler, 419 Canyon Forest, Kimberling City, Stone County, Missouri 65686, as a member of the Public School Retirement System of Missouri, for a term ending June 30, 2012, and until his successor is duly appointed and qualified; vice, J. Richard Franklin, term expired.

Respectfully submitted,

MATT BLUNT

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, inform the Senate that the House is duly convened and is now in session ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 1**.

HOUSE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED, by the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 7:00 p.m., Tuesday, January 15, 2008, to receive a message from His Excellency, the Honorable Matt Blunt, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-fourth General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 2**.

HOUSE CONCURRENT RESOLUTION NO. 2

BE IT RESOLVED, by the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Tuesday, February 5, 2008, to receive a message from Her Honor Chief Justice Laura Denvir Stith, the Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform Her Honor that the House of Representatives and the Senate of the Ninety-fourth General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that Her Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 3**.

HOUSE CONCURRENT RESOLUTION NO. 3

BE IT RESOLVED by the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene a joint session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, February 6, 2008, to receive a message from Pete K. Rahn, Director of the Missouri Department of Transportation; and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

August 29, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I write to inform you that I have appointed Senator Brad Lager to serve on the Senate Standing Committee on Rules, Joint Rules, Resolutions and Ethics.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

November 13, 2007

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

Dear Mrs. Spieler:

Please be advised that I have reappointed Senator John Loudon as Chairman of the Senate Small Business, Insurance and Industrial Relations Committee effective immediately.

Please contact me if you have any questions regarding this matter.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

Also,

December 4, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I write to inform you that I have removed Senator Brad Lager from the Senate Standing Committee on Rules, Joint Rules, Resolutions and Ethics, and have appointed Senator Tom Dempsey in his stead.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

December 4, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I write to inform you that I have appointed Senator Norma Champion as Vice-Chairman of the Senate Standing Committee on Education. If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

December 4, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

Please be advised that I have appointed Senator Tom Dempsey as Vice Chairman of the Senate Standing Committee on Economic Development, Tourism and Local Government.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

December 4, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

Please be advised that I have appointed Senator Tom Dempsey as Vice-Chairman of the Senate Standing Committee on Ways and Means.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

November 6, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment of Joint Committee on Legislative Research

Dear Terry:

Pursuant to Section 23.010 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the Joint Committee on Legislative Research:

Senator Jason Crowell

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

Also,

January 9, 2008

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

Pursuant to RSMo 226.440, I am appointing the following senators to the Mississippi River Parkway Commission:

- Tom Dempsey
- Ryan McKenna

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 1475, regarding Chase M. Johnson, Macon, which was adopted.

Senator Stouffer offered Senate Resolution No. 1476, regarding Brandon J. Bernhardt, Macon, which was adopted.

Senator Stouffer offered Senate Resolution No. 1477, regarding Samuel W. McDowell, Macon, which was adopted.

Senator Clemens offered Senate Resolution No. 1478, regarding W. Tyler King, Brookline Station, which was adopted.

Senator Barnitz offered Senate Resolution No. 1479, regarding Dr. Robert Collins, Blue Springs, which was adopted.

Senator Barnitz offered Senate Resolution No. 1480, regarding Charli Hartley, Waynesville, which was adopted.

Senator Smith offered Senate Resolution No. 1481, regarding Ernest A. Byrd, Saint Louis, which was adopted.

Senator Smith offered Senate Resolution No. 1482, regarding James W. Hayden, D.D.S., St. Louis, which was adopted.

Senator Shields offered Senate Resolution No. 1483, regarding Eric Michael Barmann, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 1484, regarding Jason Scott Barmann, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 1485, regarding Conrad Howard Becker, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 1486, regarding Daniel Jesus Bermejo, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 1487, regarding William Traugott Henry Brune, II, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 1488, regarding Alexander Eli Cooper, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 1489, regarding Zachary Boyd Heiser, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 1490, regarding Zachary Kirk Holbrook, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 1491, regarding Quintin Phillip O'Dell, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 1492, regarding Matthew Philip Shiner, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 1493, regarding Donald Alexander Soper, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 1494, regarding Kevin Michael Wilbur, Platte City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Wilson introduced to the Senate, her husband, Commissioner James B. Wilson, Kansas City.

Senator Smith introduced to the Senate, Lily Kurland, Clayton; and Dustin Odham, St. Louis.

Senator Dempsey introduced to the Senate, his wife, Molly, St. Charles.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Kit Young, M.D., Ladue.

Senator Shoemyer introduced to the Senate, his daughter, Wendy, Clarence.

On motion of Senator Griesheimer, the Senate adjourned under the rules.

SENATE CALENDAR

SECOND DAY—THURSDAY, JANUARY 10, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 711-Gibbons, et al	SB 736-Bartle
SB 712-Gibbons	SB 737-Bartle
SB 713-Gibbons	SB 738-Nodler
SB 714-Loudon	SB 739-Nodler
SB 715-Loudon	SB 740-Nodler
SB 716-Loudon, et al	SB 741-Bray and Days
SB 717-Kennedy and Shields	SB 742-Bray and Days
SB 718-Kennedy	SB 743-Bray
SB 719-Kennedy	SB 744-Days
SB 720-Coleman	SB 745-Days
SB 721-Coleman	SB 746-Days
SB 722-Coleman	SB 747-Ridgeway
SB 723-Scott	SB 748-Ridgeway
SB 724-Scott and Shoemyer	SB 749-Ridgeway
SB 725-Scott	SB 750-Crowell, et al
SB 726-Shields	SB 751-Crowell
SB 727-Shields	SB 752-Crowell
SB 728-Shields	SB 753-Mayer
SB 729-Griesheimer	SB 754-Mayer and Loudon
SB 730-Griesheimer	SB 755-Mayer
SB 731-Griesheimer	SB 756-Engler
SB 732-Champion, et al	SB 757-Enger
SB 733-Champion	SB 758-Engler
SB 734-Champion	SB 759-Stouffer
SB 735-Bartle	SB 760-Stouffer

SB 761-Stouffer	SB 803-Crowell
SB 762-Wilson, et al	SB 804-Crowell
SB 763-Wilson, et al	SB 805-Mayer
SB 764-Wilson, et al	SB 806-Engler
SB 765-Goodman	SB 807-Engler and Bray
SB 766-Goodman	SB 808-Engler and Bray
SB 767-Goodman	SB 809-Stouffer
SB 768-Rupp	SB 810-Stouffer
SB 769-Rupp	SB 811-Stouffer
SB 770-Rupp	SB 812-Wilson and Smith
SB 771-McKenna	SB 813-Wilson
SB 772-McKenna	SB 814-Wilson
SB 773-Shoemyer	SB 815-Goodman
SB 774-Shoemyer	SB 816-Goodman
SB 775-Shoemyer	SB 817-Goodman
SB 776-Justus and Koster	SB 818-Rupp, et al
SB 777-Justus	SB 819-Rupp
SB 778-Justus	SB 820-Rupp
SB 779-Smith	SB 821-Shoemyer
SB 780-Smith	SB 822-Shoemyer
SB 781-Smith	SB 823-Shoemyer
SB 782-Loudon, et al	SB 824-Justus
SB 783-Loudon	SB 825-Justus
SB 784-Coleman	SB 826-Justus
SB 785-Coleman	SB 827-Smith
SB 786-Coleman	SB 828-Smith
SB 787-Scott	SB 829-Smith
SB 788-Scott	SB 830-Coleman
SB 789-Griesheimer	SB 831-Coleman
SB 790-Champion	SB 832-Coleman
SB 791-Champion	SB 833-Bartle
SB 792-Champion	SB 834-Bartle
SB 793-Bartle	SB 835-Bray and Days
SB 794-Bartle and Loudon	SB 836-Bray
SB 795-Bartle	SB 837-Bray
SB 796-Bray and Days	SB 838-Engler
SB 797-Bray	SB 839-Engler
SB 798-Bray and Days	SB 840-Engler
SB 799-Days	SB 841-Stouffer
SB 800-Days	SB 843-Wilson
SB 801-Ridgeway	SB 844-Rupp
SB 802-Ridgeway	SB 845-Rupp and Dempsey

SB 846-Rupp	SB 888-Green
SB 847-Shoemyer	SB 889-Green
SB 848-Shoemyer	SB 890-Green
SB 849-Shoemyer	SB 891-Green
SB 850-Justus	SB 892-Green
SB 851-Justus	SB 893-Green
SB 852-Smith	SB 894-Green
SB 853-Smith	SB 895-Clemens
SB 854-Coleman	SB 896-Stouffer
SB 855-Coleman	SB 897-Wilson
SB 856-Engler	SB 898-Clemens
SB 857-Rupp	SB 899-Dempsey
SB 858-Rupp	SB 900-Vogel
SB 859-Rupp	SB 901-Loudon and Nodler
SB 860-Shoemyer	SB 902-Loudon
SB 861-Shoemyer	SB 903-Griesheimer
SB 862-Shoemyer	SB 904-Griesheimer
SB 863-Rupp	SB 905-Loudon
SB 864-Rupp	SB 906-Vogel
SB 865-Rupp and Gibbons	SB 907-Engler and Gibbons
SB 866-Shoemyer	SB 908-Engler
SB 867-Shoemyer	SB 909-Engler
SB 868-Shoemyer	SB 910-Graham
SB 869-Shoemyer and Barnitz	SB 911-Engler
SB 870-Loudon	SB 912-Engler
SB 871-Bray	SB 913-Bray
SB 872-Stouffer	SB 914-Bray
SB 873-Graham	SB 915-Ridgeway
SB 874-Graham	SB 916-Goodman
SB 875-Graham	SB 917-Goodman, et al
SB 876-Graham	SB 918-Goodman
SB 877-Mayer	SB 919-Rupp
SB 878-Graham	SB 920-Rupp
SB 879-Clemens	SB 921-Goodman
SB 880-Green	SB 922-Goodman
SB 881-Green	SB 923-Shoemyer
SB 882-Green	SB 924-Koster
SB 883-Graham	SJR 29-Loudon and Crowell
SB 884-Graham	SJR 30-Coleman
SB 885-Graham	SJR 31-Bartle
SB 886-Justus	SJR 32-Bartle
SB 887-Dempsey and Bray	SJR 33-Ridgeway

SJR 34-Crowell and Coleman

SJR 35-Shoemyer

SJR 36-Graham

SJR 37-Graham

SJR 38-Clemens

SJR 39-Clemens

SJR 40-McKenna

SJR 41-Rupp

INFORMAL CALENDAR

RESOLUTIONS

SR 1472-Gibbons and Coleman

HCR 1-Tilley (Shields)

HCR 2-Tilley (Shields)

HCR 3-Tilley (Shields)

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Journal of the Senate

SECOND REGULAR SESSION

SECOND DAY—THURSDAY, JANUARY 10, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“With blessings of light, of hope, of peace, of spirit—we bring not might, not power, but the Breath of Life.” (Rabbi Arthur Waskow)

Heavenly Father, as we complete this shortened week and return to our homes and constituents let us bring a spirit of light and hope to all we meet so that each encounter improves our relationships with one another and we breathe life into what You have given us. Let us embody peace of mind and spirit so that we imbue calm around us. And this weekend let us draw closer to You and continue a dialogue with You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Days	Dempsey	Gibbons
Goodman	Graham	Green	Griesheimer	Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson—29			

Absent—Senators—None

Absent with leave—Senators

Bartle	Coleman	Crowell	Engler	Rupp—5
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Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 1495, regarding the American Optometric Association, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1496, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Melvin F. Wagner, which was adopted.

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1497

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to have placed in the Post Office of the Senate, or delivered each day to such other address as may be designated, Missouri newspapers for each Senator and each elected officer of the Senate, such papers to be designated by the Senator or officer, and the expenses of same to be paid out of the contingent fund of the Senate.

Senator Gibbons moved that **SR 1472** be taken up for adoption, which motion prevailed.

On motion of Senator Gibbons, **SR 1472** was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Days	Dempsey	Gibbons
Goodman	Graham	Green	Griesheimer	Justus	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason	Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—28				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle	Coleman	Crowell	Engler	Kennedy	Rupp—6
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Vacancies—None

Senator Stouffer offered Senate Resolution No. 1498, regarding Lola A. Watts, Fayette, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1499, regarding the One Hundredth Birthday of Geneva Mae Smith, Gladstone, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1500, regarding Tammy Henderson, Kansas City, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 925—By Days.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to school district

records.

SB 926—By Green.

An Act to repeal sections 105.483, 130.021, 130.032, 130.050, and 130.072, RSMo, and to enact in lieu thereof five new sections relating to ethics.

SB 927—By Green and Callahan.

An Act to repeal sections 285.025 and 290.560, RSMo, and to enact in lieu thereof two new sections relating to employment of unqualified labor, with penalty provisions.

SB 928—By Green.

An Act to repeal section 392.410, RSMo, and to enact in lieu thereof one new section relating to the public service commission.

SB 929—By Green and Callahan.

An Act to repeal sections 285.300 and 285.302, RSMo, and to enact in lieu thereof nine new sections relating to employee misclassification, with penalty provisions and an emergency clause.

SB 930—By Stouffer.

An Act to repeal sections 144.805 and 305.230, RSMo, and to enact in lieu thereof two new sections relating to the state aviation trust fund.

SB 931—By Purgason.

An Act to amend chapter 267, RSMo, by adding thereto one new section relating to animal identification.

SB 932—By Loudon.

An Act to repeal section 650.120, RSMo, and to enact in lieu thereof one new section relating to Internet sex crimes investigation grant program.

SB 933—By Loudon.

An Act to repeal sections 566.083 and 573.040, RSMo, and to enact in lieu thereof two new sections relating to criminal offenses against a child, with penalty provisions.

SB 934—By Dempsey.

An Act to repeal section 116.080, RSMo, and to enact in lieu thereof one new section relating to initiative petition circulators, with penalty provisions.

The Senate observed a moment of silence in memory of the storm victims of Webster and Greene Counties.

REFERRALS

President Pro Tem Gibbons referred the Gubernatorial Appointments appearing on pages 25 through 58 of the Senate Journal for Wednesday, January 9, 2008, to the Committee on Gubernatorial Appointments.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

**SENATE HEARING SCHEDULE
94th GENERAL ASSEMBLY
SECOND REGULAR SESSION
JANUARY 10, 2008**

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Appropriations SCR 2 (Nodler)	Appropriations SCR 2 (Nodler) Transportation SCR 1 (Stouffer)	
8:15 a.m.		Seniors, Families and Public Health SCR 1 (Champion)		
8:30 a.m.			Gubernatorial Appointments SL (Gibbons)	Commerce, Energy and the Environment SL (Engler) Governmental Accountability and Fiscal Oversight SCR 1 (Goodman)
12:30 p.m.	Appropriations SCR 2 (Nodler)			
1:00 p.m.		Health and Mental Health SL (Purgason) Small Business, Insurance and Industrial Relations SCR 1 (Loudon)	Pensions, Veterans' Affairs and General Laws SL (Crowell) Rules, Joint Rules, Resolutions and Ethics SCR 1 (Shields)	
2:00 p.m.			Economic Development, Tourism and Local Government SL (Griesheimer) Education SCR 1 (Mayer)	
2:30 p.m.	Financial and Governmental Organizations and Elections SL (Scott) Ways and Means SCR 1 (Vogel)			
3:00 p.m.		Agriculture, Conservation, Parks and Natural Resources SL (Clemens)		
7:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SL (Bartle)			

Also,

President Pro Tem Gibbons submitted the following:

January 10, 2008

Mrs. Terry Spieler
Secretary of the Senate

Madame Secretary:

Pursuant to Senate Resolution 1472, I make the following appointments:

- Senator Yvonne Wilson to the Senate Seniors, Families and Public Health Committee
- Senator Chris Koster to the Senate Commerce, Energy and the Environment Committee
- Senator Chris Koster to the Senate Economic Development, Tourism and Local Government Committee
- Senator Frank Barnitz to the Senate Education Committee
- Senator Jeff Smith to the Senate Financial and Governmental Organizations and Elections Committee
- Senator Ryan McKenna to the Senate Gubernatorial Appointments Committee
- Senator Chris Koster to the Senate Agriculture, Conservation, Parks and Natural Resources Committee

Further, pursuant to Senate Resolution 1472, I am removing the following:

- Senator Chuck Purgason from the Senate Gubernatorial Appointments Committee
- Senator Delbert Scott from the Senate Small Business, Insurance and Industrial Relations Committee

Respectfully Submitted,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 10, 2008

The Honorable Michael Gibbons - President Pro-Tem of the Senate
State Capitol, Room 326
Jefferson City, Missouri 65101

Dear Senator Gibbons:

Pursuant to Rule 12 of the Senate Rules, I hereby appoint Senator Chris Koster to the Senate Committee on Pensions, Veterans' Affairs and General Laws replacing Senator Harry Kennedy.

Sincerely,
/s/ Maida J. Coleman
Maida J. Coleman
Minority Floor Leader

Also,

January 10, 2008

The Honorable Michael Gibbons - President Pro-Tem of the Senate
State Capitol, Room 326
Jefferson City, Missouri 65101

Dear Senator Gibbons:

Pursuant to Rule 12 of the Senate Rules, I hereby appoint Senator Chris Koster to the Senate Committee on Judiciary and Civil & Criminal

Jurisprudence replacing Senator Jeff Smith.

Sincerely,
/s/ Maida J. Coleman
Maida J. Coleman
Minority Floor Leader

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 711—Ways and Means.

SB 712—Commerce, Energy and the Environment.

SB 713—Education.

SB 714—Judiciary and Civil and Criminal Jurisprudence.

SB 715—Education.

SB 716—Pensions, Veterans' Affairs and General Laws.

SB 717—Ways and Means.

SB 718—Economic Development, Tourism and Local Government.

SB 719—Education.

SB 720—Commerce, Energy and the Environment.

SB 721—Commerce, Energy and the Environment.

SB 722—Ways and Means.

SB 723—Financial and Governmental Organizations and Elections.

SB 724—Financial and Governmental Organizations and Elections.

SB 725—Ways and Means.

SB 726—Education.

SB 727—Judiciary and Civil and Criminal Jurisprudence.

SB 728—Transportation.

SB 729—Economic Development, Tourism and Local Government.

SB 730—Education.

SB 731—Transportation.

SB 732—Seniors, Families and Public Health.

SB 733—Judiciary and Civil and Criminal Jurisprudence.

SB 734—Judiciary and Civil and Criminal Jurisprudence.

SB 735—Ways and Means.

SB 736—Judiciary and Civil and Criminal Jurisprudence.

- SB 737**—Judiciary and Civil and Criminal Jurisprudence.
- SB 738**—Agriculture, Conservation, Parks and Natural Resources.
- SB 739**—Governmental Accountability and Fiscal Oversight.
- SB 740**—Economic Development, Tourism and Local Government.
- SB 741**—Health and Mental Health.
- SB 742**—Small Business, Insurance and Industrial Relations.
- SB 743**—Ways and Means.
- SB 744**—Financial and Governmental Organizations and Elections.
- SB 745**—Judiciary and Civil and Criminal Jurisprudence.
- SB 746**—Small Business, Insurance and Industrial Relations.
- SB 747**—Judiciary and Civil and Criminal Jurisprudence.
- SB 748**—Ways and Means.
- SB 749**—Ways and Means.
- SB 750**—Pensions, Veterans’ Affairs and General Laws.
- SB 751**—Pensions, Veterans’ Affairs and General Laws.
- SB 752**—Financial and Governmental Organizations and Elections.
- SB 753**—Transportation.
- SB 754**—Judiciary and Civil and Criminal Jurisprudence.
- SB 755**—Seniors, Families and Public Health.
- SB 756**—Seniors, Families and Public Health.
- SB 757**—Financial and Governmental Organizations and Elections.
- SB 758**—Judiciary and Civil and Criminal Jurisprudence.
- SB 759**—Agriculture, Conservation, Parks and Natural Resources.
- SB 760**—Transportation.
- SB 761**—Transportation.
- SB 762**—Education.
- SB 763**—Judiciary and Civil and Criminal Jurisprudence.
- SB 764**—Seniors, Families and Public Health.
- SB 765**—Economic Development, Tourism and Local Government.
- SB 766**—Judiciary and Civil and Criminal Jurisprudence.
- SB 767**—Judiciary and Civil and Criminal Jurisprudence.
- SB 768**—Seniors, Families and Public Health.

- SB 769**—Judiciary and Civil and Criminal Jurisprudence.
- SB 770**—Education.
- SB 771**—Ways and Means.
- SB 772**—Commerce, Energy and the Environment.
- SB 773**—Small Business, Insurance and Industrial Relations.
- SB 774**—Transportation.
- SB 775**—Small Business, Insurance and Industrial Relations.
- SB 776**—Seniors, Families and Public Health.
- SB 777**—Ways and Means.
- SB 778**—Seniors, Families and Public Health.
- SB 779**—Education.
- SB 780**—Education.
- SB 781**—Judiciary and Civil and Criminal Jurisprudence.
- SB 782**—Small Business, Insurance and Industrial Relations.
- SB 783**—Small Business, Insurance and Industrial Relations.
- SB 784**—Judiciary and Civil and Criminal Jurisprudence.
- SB 785**—Economic Development, Tourism and Local Government.
- SB 786**—Commerce, Energy and the Environment.
- SB 787**—Judiciary and Civil and Criminal Jurisprudence.
- SB 788**—Financial and Governmental Organizations and Elections.
- SB 789**—Small Business, Insurance and Industrial Relations.
- SB 790**—Judiciary and Civil and Criminal Jurisprudence.
- SB 791**—Judiciary and Civil and Criminal Jurisprudence.
- SB 792**—Judiciary and Civil and Criminal Jurisprudence.
- SB 793**—Transportation.
- SB 794**—Judiciary and Civil and Criminal Jurisprudence.
- SB 795**—Judiciary and Civil and Criminal Jurisprudence.
- SB 796**—Financial and Governmental Organizations and Elections.
- SB 797**—Financial and Governmental Organizations and Elections.
- SB 798**—Financial and Governmental Organizations and Elections.
- SB 799**—Health and Mental Health.
- SB 800**—Judiciary and Civil and Criminal Jurisprudence.

SB 801—Economic Development, Tourism and Local Government.

SB 802—Judiciary and Civil and Criminal Jurisprudence.

SB 803—Judiciary and Civil and Criminal Jurisprudence.

SB 804—Education.

SB 805—Ways and Means.

SB 806—Pensions, Veterans' Affairs and General Laws.

SB 807—Financial and Governmental Organizations and Elections.

SB 808—Financial and Governmental Organizations and Elections.

SB 809—Transportation.

SB 810—Agriculture, Conservation, Parks and Natural Resources.

Senator Shields requested unanimous consent of the Senate to allow members of Franklin County law enforcement to enter the Chamber with side arms, which request was granted.

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 1501, regarding Joe Beetz, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Lacy Kendrick, Springfield.

The President introduced to the Senate, John, Delia and Keith Sambo, Atlanta, Georgia; and Kari Dowell, Columbia.

Senator Griesheimer introduced to the Senate, Sheriff Gary Toelke, Union.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, January 14, 2008.

SENATE CALENDAR

THIRD DAY—MONDAY, JANUARY 14, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 811-Stouffer
SB 812-Wilson and Smith
SB 813-Wilson

SB 814-Wilson
SB 815-Goodman
SB 816-Goodman

SB 817-Goodman	SB 859-Rupp
SB 818-Rupp, et al	SB 860-Shoemyer
SB 819-Rupp	SB 861-Shoemyer
SB 820-Rupp	SB 862-Shoemyer
SB 821-Shoemyer	SB 863-Rupp
SB 822-Shoemyer	SB 864-Rupp
SB 823-Shoemyer	SB 865-Rupp and Gibbons
SB 824-Justus	SB 866-Shoemyer
SB 825-Justus	SB 867-Shoemyer
SB 826-Justus	SB 868-Shoemyer
SB 827-Smith	SB 869-Shoemyer and Barnitz
SB 828-Smith	SB 870-Loudon
SB 829-Smith	SB 871-Bray
SB 830-Coleman	SB 872-Stouffer
SB 831-Coleman	SB 873-Graham
SB 832-Coleman	SB 874-Graham
SB 833-Bartle	SB 875-Graham
SB 834-Bartle	SB 876-Graham
SB 835-Bray and Days	SB 877-Mayer
SB 836-Bray	SB 878-Graham
SB 837-Bray	SB 879-Clemens
SB 838-Engler	SB 880-Green
SB 839-Engler	SB 881-Green
SB 840-Engler	SB 882-Green
SB 841-Stouffer	SB 883-Graham
SB 843-Wilson	SB 884-Graham
SB 844-Rupp	SB 885-Graham
SB 845-Rupp and Dempsey	SB 886-Justus
SB 846-Rupp	SB 887-Dempsey and Bray
SB 847-Shoemyer	SB 888-Green
SB 848-Shoemyer	SB 889-Green
SB 849-Shoemyer	SB 890-Green
SB 850-Justus	SB 891-Green
SB 851-Justus	SB 892-Green
SB 852-Smith	SB 893-Green
SB 853-Smith	SB 894-Green
SB 854-Coleman	SB 895-Clemens
SB 855-Coleman	SB 896-Stouffer
SB 856-Engler	SB 897-Wilson
SB 857-Rupp	SB 898-Clemens
SB 858-Rupp	SB 899-Dempsey

SB 900-Vogel	SB 925-Days
SB 901-Loudon, et al	SB 926-Green
SB 902-Loudon	SB 927-Green and Callahan
SB 903-Griesheimer	SB 928-Green
SB 904-Griesheimer	SB 929-Green and Callahan
SB 905-Loudon	SB 930-Stouffer
SB 906-Vogel	SB 931-Purgason
SB 907-Engler and Gibbons	SB 932-Loudon
SB 908-Engler	SB 933-Loudon
SB 909-Engler	SB 934-Dempsey
SB 910-Graham	SJR 29-Loudon and Crowell
SB 911-Engler	SJR 30-Coleman
SB 912-Engler	SJR 31-Bartle
SB 913-Bray	SJR 32-Bartle
SB 914-Bray	SJR 33-Ridgeway
SB 915-Ridgeway	SJR 34-Crowell and Coleman
SB 916-Goodman	SJR 35-Shoemyer
SB 917-Goodman, et al	SJR 36-Graham
SB 918-Goodman	SJR 37-Graham
SB 919-Rupp	SJR 38-Clemens
SB 920-Rupp	SJR 39-Clemens
SB 921-Goodman	SJR 40-McKenna
SB 922-Goodman	SJR 41-Rupp
SB 923-Shoemyer	
SB 924-Koster	

INFORMAL CALENDAR

RESOLUTIONS

HCR 1-Tilley (Shields)
HCR 2-Tilley (Shields)

HCR 3-Tilley (Shields)

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Journal of the Senate

SECOND REGULAR SESSION

THIRD DAY—MONDAY, JANUARY 14, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Whatever your hand finds to do, do it as with your might...” (Ecclesiastes 9:10a)

Lord, we pray that what we do today and everyday we do with diligence, forethought and wisdom so that the end result fulfills what You have intended and will find Your blessings on our efforts. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 10, 2008 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Griesheimer offered Senate Resolution No. 1502, regarding the Franklin County Transportation Council, Incorporated, Union, which was adopted.

Senator Rupp offered Senate Resolution No. 1503, regarding Carol Harris, Troy, which was adopted.

Senator Rupp offered Senate Resolution No. 1504, regarding James Beck, Troy, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1505, regarding David Alan Kyle, Liberty, which was adopted.

Senator Champion offered Senate Resolution No. 1506, regarding the Springfield Branch of the National Association for the Advancement of Colored People, which was adopted.

Senator Vogel offered Senate Resolution No. 1507, regarding Linda Renno Stanford, Russellville, which was adopted.

Senator Vogel offered Senate Resolution No. 1508, regarding Hazel J. Bonine, Jefferson City, which was adopted.

Senator Stouffer offered Senate Resolution No. 1509, regarding Dan Hill, which was adopted.

Senator Engler offered Senate Resolution No. 1510, regarding the One Hundredth Birthday of Cleva Inez Mull, Ironton, which was adopted.

Senator Bartle assumed the Chair.

CONCURRENT RESOLUTIONS

Senator Shields moved that **HCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **HCR 1** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Lager
Mayer	McKenna	Nodler	Ridgeway	Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—28				

NAYS—Senators—None

Absent—Senators

Clemens Loudon—2

Absent with leave—Senators

Coleman Kennedy Koster Purgason—4

Vacancies—None

Senator Shields moved that **HCR 2** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **HCR 2** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Lager
Loudon	Mayer	McKenna	Nodler	Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson—29			

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senators

Coleman Kennedy Koster Purgason—4

Vacancies—None

Senator Shields moved that **HCR 3** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **HCR 3** was adopted by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Crowell	Dempsey	Engler	Gibbons	Goodman
Graham	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel—22		

NAYS—Senators

Barnitz	Bray	Coleman	Days	Green	Griesheimer	Justus	Rupp
Wilson—9							

Absent—Senator Clemens—1

Absent with leave—Senators

Kennedy Koster—2

Vacancies—None

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 935—By Griesheimer, Gibbons, Shoemyer, McKenna and Mayer.

An Act to repeal sections 57.280 and 488.435, RSMo, and to enact in lieu thereof three new sections relating to deputy sheriffs' salaries.

SB 936—By Griesheimer.

An Act to repeal section 643.340, RSMo, and to enact in lieu thereof one new section relating to motor vehicle emissions inspection process.

SB 937—By Shoemyer.

An Act to repeal section 301.055, RSMo, and to enact in lieu thereof two new sections relating to the operation of utility vehicles, with penalty provisions.

SB 938—By Shoemyer.

An Act to amend chapter 36, RSMo, by adding thereto one new section relating to hazardous duty pay for certain corrections personnel.

SB 939—By Stouffer.

An Act to repeal section 245.175, RSMo, and to enact in lieu thereof one new section relating to levee district taxes.

SB 940—By McKenna.

An Act to repeal sections 347.187, 355.020, 355.171, 355.631, 355.791, and 359.121, RSMo, and to enact in lieu thereof six new sections relating to Missouri small business organizations.

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following committee pursuant to **HCR 1**: Senators Gibbons, Shields, Coleman, Loudon, Stouffer, Ridgeway, Kennedy, Wilson, Shoemyer and Barnitz.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 811—Ways and Means.

SB 812—Judiciary and Civil and Criminal Jurisprudence.

SB 813—Judiciary and Civil and Criminal Jurisprudence.

SB 814—Economic Development, Tourism and Local Government.

SB 815—Agriculture, Conservation, Parks and Natural Resources.

SB 816—Economic Development, Tourism and Local Government.

SB 817—Health and Mental Health.

SB 818—Judiciary and Civil and Criminal Jurisprudence.

SB 819—Judiciary and Civil and Criminal Jurisprudence.

SB 820—Economic Development, Tourism and Local Government.

SB 821—Health and Mental Health.

SB 822—Economic Development, Tourism and Local Government.

SB 823—Ways and Means.

SB 824—Judiciary and Civil and Criminal Jurisprudence.

SB 825—Ways and Means.

SB 826—Economic Development, Tourism and Local Government.

SB 827—Education.

SB 828—Education.

SB 829—Education.

SB 830—Pensions, Veterans' Affairs and General Laws.

SB 831—Education.

SB 832—Education.

SB 833—Education.

SB 834—Judiciary and Civil and Criminal Jurisprudence.

- SB 835**—Judiciary and Civil and Criminal Jurisprudence.
- SB 836**—Judiciary and Civil and Criminal Jurisprudence.
- SB 837**—Financial and Governmental Organizations and Elections.
- SB 838**—Agriculture, Conservation, Parks and Natural Resources.
- SB 839**—Education.
- SB 840**—Commerce, Energy and the Environment.
- SB 841**—Transportation.
- SB 843**—Seniors, Families and Public Health.
- SB 844**—Education.
- SB 845**—Economic Development, Tourism and Local Government.
- SB 846**—Education.
- SB 847**—Agriculture, Conservation, Parks and Natural Resources.
- SB 848**—Financial and Governmental Organizations and Elections.
- SB 849**—Judiciary and Civil and Criminal Jurisprudence.
- SB 850**—Financial and Governmental Organizations and Elections.
- SB 851**—Judiciary and Civil and Criminal Jurisprudence.
- SB 852**—Ways and Means.
- SB 853**—Financial and Governmental Organizations and Elections.
- SB 854**—Education.
- SB 855**—Health and Mental Health.
- SB 856**—Transportation.
- SB 857**—Commerce, Energy and the Environment.
- SB 858**—Pensions, Veterans’ Affairs and General Laws.
- SB 859**—Health and Mental Health.
- SB 860**—Pensions, Veterans’ Affairs and General Laws.
- SB 861**—Judiciary and Civil and Criminal Jurisprudence.
- SB 862**—Agriculture, Conservation, Parks and Natural Resources.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Ian Liss, Neosho.

Senator Bray introduced to the Senate, former State Senator Betty Sims, Ladue; and Betty Kitchene, Australia.

The President introduced to the Senate, members of the American Optometric Association.

Senator Shields introduced to the Senate, Dr. Ryan Powell, Platte City.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FOURTH DAY—TUESDAY, JANUARY 15, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 863-Rupp	SB 892-Green
SB 864-Rupp	SB 893-Green
SB 865-Rupp and Gibbons	SB 894-Green
SB 866-Shoemyer	SB 895-Clemens
SB 867-Shoemyer	SB 896-Stouffer
SB 868-Shoemyer	SB 897-Wilson
SB 869-Shoemyer and Barnitz	SB 898-Clemens
SB 870-Loudon	SB 899-Dempsey
SB 871-Bray	SB 900-Vogel
SB 872-Stouffer	SB 901-Loudon, et al
SB 873-Graham	SB 902-Loudon
SB 874-Graham	SB 903-Griesheimer
SB 875-Graham	SB 904-Griesheimer
SB 876-Graham	SB 905-Loudon
SB 877-Mayer	SB 906-Vogel
SB 878-Graham	SB 907-Engler and Gibbons
SB 879-Clemens	SB 908-Engler
SB 880-Green	SB 909-Engler
SB 881-Green	SB 910-Graham
SB 882-Green	SB 911-Engler
SB 883-Graham	SB 912-Engler
SB 884-Graham	SB 913-Bray
SB 885-Graham	SB 914-Bray
SB 886-Justus	SB 915-Ridgeway
SB 887-Dempsey and Bray	SB 916-Goodman
SB 888-Green	SB 917-Goodman, et al
SB 889-Green	SB 918-Goodman
SB 890-Green	SB 919-Rupp
SB 891-Green	SB 920-Rupp

SB 921-Goodman	SB 938-Shoemyer
SB 922-Goodman	SB 939-Stouffer
SB 923-Shoemyer	SB 940-McKenna
SB 924-Koster	SJR 29-Loudon and Crowell
SB 925-Days	SJR 30-Coleman
SB 926-Green	SJR 31-Bartle
SB 927-Green and Callahan	SJR 32-Bartle
SB 928-Green	SJR 33-Ridgeway
SB 929-Green and Callahan	SJR 34-Crowell and Coleman
SB 930-Stouffer	SJR 35-Shoemyer
SB 931-Purgason	SJR 36-Graham
SB 932-Loudon	SJR 37-Graham
SB 933-Loudon	SJR 38-Clemens
SB 934-Dempsey	SJR 39-Clemens
SB 935-Griesheimer, et al	SJR 40-McKenna
SB 936-Griesheimer	SJR 41-Rupp
SB 937-Shoemyer	

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Journal of the Senate

SECOND REGULAR SESSION

FOURTH DAY—TUESDAY, JANUARY 15, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Fear not tomorrow, for God is already there.” -Unknown

Gracious Lord, we know many of the challenges that are laid out before us and we will hear more tonight. Some items make us uncomfortable for we don’t know what they will bring us if we try to meet them or what will happen if we do nothing. But we do know that You know the future that lays ahead so we ask that You might guide and direct us so we may be part of the solutions that will make the future unfold as You will for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 1511, regarding Roy's Tire and Auto, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1512, regarding Ceramo Company, Incorporated, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1513, regarding Kasten Masonry Sales, Incorporated, Jackson, which was adopted.

Senator Justus offered Senate Resolution No. 1514, regarding the death of Cathleen Connealy, Kansas City, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 941—By Clemens.

An Act to repeal section 570.030, RSMo, and to enact in lieu thereof one new section relating to stealing livestock, with penalty provisions.

SB 942—By Clemens.

An Act to repeal sections 340.337, 340.341, 340.375, 340.381, 340.384, 340.387, 340.390, 340.393, and 340.396, RSMo, and to enact in lieu thereof nine new sections relating to large animal veterinary students, with an expiration date for certain sections.

SB 943—By Clemens.

An Act to repeal sections 89.080, 89.090, and 305.410, RSMo, and to enact in lieu thereof three new sections relating to airport zoning.

SB 944—By Engler, Rupp, Clemens and Scott.

An Act to repeal section 108.250, RSMo, and to enact in lieu thereof one new section relating to state auditor compensation for bond registration.

SB 945—By Green.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to annual reports of water corporations.

SB 946—By Dempsey and McKenna.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the use of moneys from certain payments received from the master settlement agreement.

SB 947—By Kennedy.

An Act to repeal sections 144.805 and 305.230, RSMo, and to enact in lieu thereof two new sections relating to the state aviation trust fund, with an expiration date.

SB 948—By Justus, Smith and Bray.

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to the duty of a

pharmacy to fill prescriptions.

SB 949—By Scott.

An Act to repeal section 135.903, RSMo, and to enact in lieu thereof one new section relating to rural empowerment zone criteria.

SB 950—By Scott.

An Act to repeal sections 144.011, 700.010, 700.045, 700.056, 700.065, 700.070, 700.090, 700.100, 700.115, 700.450, 700.455, 700.470, 700.525, and 700.650, RSMo, and to enact in lieu thereof fifteen new sections relating to manufactured housing, with penalty provisions.

SB 951—By Scott.

An Act to repeal sections 44.100, 361.240, and 362.048, RSMo, and to enact in lieu thereof three new sections relating to emergency response within financial institutions.

SB 952—By Scott.

An Act to repeal sections 326.256, 326.283, 326.289, and 326.292, RSMo, and to enact in lieu thereof four new sections relating to certified public accountants, with penalty provisions.

SB 953—By Scott.

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to authorization to close certain records.

SB 954—By Scott.

An Act to repeal sections 116.010 and 116.080, RSMo, and to enact in lieu thereof three new sections relating to initiative and referendum petition circulators, with penalty provisions.

SB 955—By Shields.

An Act to repeal section 301.140, RSMo, and to enact in lieu thereof one new section relating to refund of motor vehicle registration fees.

SJR 42—By Griesheimer.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 40 and 42 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to laws regulating political subdivisions.

RESOLUTIONS

Senator Coleman offered the following resolution:

SENATE RESOLUTION NO. 1515

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the Fifth District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-fourth General Assembly, Second Regular Session, that Senate Rule 84 be amended to read as follows:

"Rule 84. The previous question shall be in this form: "Shall the main question be now put?". It shall only be admitted on written demand of five senators, and sustained by a vote of [a majority] **two-thirds** of the senators elected, and in effect shall be put without debate, and bring

the senate to direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments, and then upon the main question. On demand for the previous question, a call of the senate shall be in order, but after [a majority] **two-thirds** of the senators elected have sustained such a motion, no call shall be in order prior to the decision on the main question.

Senator Crowell, joined by the entire membership, offered the following resolution, which was read:

SENATE RESOLUTION NO. 1516

Whereas, the members of the Missouri Senate are deeply saddened by the recent news of the passing of Mary Kinder, a life-long resident of Cape Girardeau, Missouri; and

Whereas, Mary Kinder was born on June 17, 1926, in Benton, Missouri, at the family home on what was then known as Hunter Hill, the youngest of five children born to William Joseph and Ida May Wise Hunter; and

Whereas, in 1943 Mary Kinder graduated from Cape Central High School at the age of sixteen and proceeded on to Christian College in Columbia, Missouri, for a two-year degree, and from there she went on to the University of Maryland, where she was a member of Kappa Kappa Gamma sorority and earned a bachelor of arts degree in 1947; and

Whereas, a highlight of these years was a double date she shared with Margaret Truman: arriving at the White House to join Miss Truman before meeting the young soldiers who were their dates for the evening, Truman said her father wanted to meet young Miss Hunter, and in due course the elevator doors opened and out stepped a smiling, immaculately dressed president of the United States for a brief but friendly chat; and

Whereas, after graduating, Miss Hunter returned to Cape Girardeau and took a job working for Dean Forrest Rose on the campus at Southeast, and in early 1948, she met Dr. James A. Kinder Jr., a local pediatrician newly practicing in the area, and, like her, a fifth-generation Southeast Missourian, and they were married at her family home on North Park Avenue on October 30, 1948; and

Whereas, Mary Kinder nurtured a lifelong passion for the study, performance, and encouragement of music, and when a student she played the cello in the orchestra and mastered the piano, which gave her lifelong pleasure, but it was as a soprano that she is probably best known in the region, as she achieved a measure of local fame in her fifty years of singing duets with her dear friend, the late Millie Limbaugh; and

Whereas, other civic endeavors included membership in the Nancy Hunter Chapter of the Daughters of the American Revolution and the GF Chapter of the PEO sisterhood, as well as service on the board of the Trust for Preservation of the Missouri Governor's Mansion, and in 1987 Mary Kinder joined with her friend, the late Frances Blankenship, as founding co-chairwomen of the first annual Cape Girardeau Cancer Gala; and

Whereas, Mary Kinder was an active member of the Cape Girardeau County Medical Auxiliary (now Alliance) during the fifty-two years of her husband's practice, tirelessly supporting him in his wide-ranging professional endeavors, and this support included hosting promising young physicians on countless occasions, in a frequently successful effort to recruit new specialties to Cape's small but growing medical community; and

Whereas, Mary and James Kinder were the devoted parents to four sons: James A. Kinder III and his wife, Rosie, of Cairo, Illinois; Frank M. Kinder and his wife, Lori Ann, of Cape Girardeau; Peter D. Kinder of Cape Girardeau; and USAF Reserve Major Dr. Mark H. Kinder and his wife, Barbara, of Cape Girardeau; and the loving grandparents of nine children:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fourth General Assembly, extend our most sincere condolences on this sad occasion; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the family of Mary Kinder, as a measure of our esteem.

Senator Rupp offered Senate Resolution No. 1517, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Richard Hawkins, O'Fallon, which was adopted.

Senator Rupp offered Senate Resolution No. 1518, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Salvador Sperandeo, Dardenne Prairie, which was adopted.

Senator Rupp offered Senate Resolution No. 1519, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Ruwwe, Dardenne Prairie, which was adopted.

Senator Shields offered Senate Resolution No. 1520, regarding the One Hundred Tenth Anniversary

of the Daughters of the American Revolution National Society chapter, Saint Joseph, which was adopted.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 863—Ways and Means.

SB 864—Pensions, Veterans' Affairs and General Laws.

SB 865—Small Business, Insurance and Industrial Relations.

SB 866—Ways and Means.

SB 867—Financial and Governmental Organizations and Elections.

SB 868—Small Business, Insurance and Industrial Relations.

SB 869—Financial and Governmental Organizations and Elections.

SB 870—Pensions, Veterans' Affairs and General Laws.

SB 871—Education.

SB 872—Transportation.

SB 873—Education.

SB 874—Governmental Accountability and Fiscal Oversight.

SB 875—Economic Development, Tourism and Local Government.

SB 876—Ways and Means.

SB 877—Small Business, Insurance and Industrial Relations.

SB 878—Judiciary and Civil and Criminal Jurisprudence.

SB 879—Agriculture, Conservation, Parks and Natural Resources.

SB 880—Health and Mental Health.

SB 881—Transportation.

SB 882—Commerce, Energy and the Environment.

SB 883—Financial and Governmental Organizations and Elections.

SB 884—Transportation.

SB 885—Economic Development, Tourism and Local Government.

SB 886—Economic Development, Tourism and Local Government.

SB 887—Judiciary and Civil and Criminal Jurisprudence.

SB 888—Education.

SB 889—Judiciary and Civil and Criminal Jurisprudence.

SB 890—Transportation.

SB 891—Ways and Means.

SB 892—Pensions, Veterans’ Affairs and General Laws.

SB 893—Ways and Means.

SB 894—Ways and Means.

SB 895—Commerce, Energy and the Environment.

SB 896—Economic Development, Tourism and Local Government.

On motion of Senator Shields, the Senate recessed until 6:40 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Nodler.

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed Senator Nodler to replace Senator Ridgeway on the escort committee established pursuant to **HCR 1**.

On motion of Senator Shields, the Senate recessed to repair to the House of Representatives to receive the State of the State Address from His Excellency, Governor Matt Blunt.

JOINT SESSION

The Joint Session was called to order by President Kinder.

The Missouri State Highway Patrol, Troop F, Color Guard presented the colors.

The Pledge of Allegiance to the Flag was recited.

On roll call the following Senators were present:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

Absent—Senator Green—1

Absent with leave—Senator Ridgeway—1

Vacancies—None

The Lieutenant Governor was present.

On roll call the following Representatives were present:

Present— Representatives

Aull	Avery	Baker 123	Bivens	Bland	Brandom	Bringer	Brown 30
Brown 50	Bruns	Casey	Cooper 120	Cooper 155	Corcoran	Cox	Cunningham 145

Cunningham 86	Curls	Darrough	Davis	Day	Deeken	Denison	Dethrow
Dixon	Dougherty	Dusenberg	El-Amin	Emery	Ervin	Faith	Fallert
Fares	Fisher	Flook	Frame	Franz	Funderburk	Grill	Grisamor
Guest	Harris 23	Harris 110	Haywood	Hobbs	Hodges	Hoskins	Hubbard
Hughes	Ice	Johnson	Jones 89	Jones 117	Kelly	Kingery	Komo
Kraus	Kuessner	Lampe	Lembke	LeVota	Liese	Lipke	Loehner
Marsh	May	McClanahan	McGhee	Meadows	Moore	Munzlinger	Muschany
Nance	Nasheed	Nieves	Nolte	Norr	Onder	Oxford	Page
Parson	Pearce	Portwood	Pratt	Quinn 7	Quinn 9	Richard	Robb
Robinson	Roorda	Rucker	Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Self	Shively	Silvey	Skaggs	Smith 14	Smith 150	Spreng	Stevenson
St. Onge	Storch	Stream	Sutherland	Swinger	Thomson	Tilley	Todd
Villa	Wallace	Walsh	Walton	Wasson	Weter	Whorton	Wildberger
Wilson 119	Wilson 130	Witte	Wood	Wright 159	Wright-Jones	Yaeger	Yates
Young	Zimmerman	Zweifel	Mr Speaker—140				

Nays—Representatives

Bowman	Chappelle-Nadal	George	Holsman	Low 39	Talboy—6
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Absent and Absent with Leave—Representatives

Baker 25	Burnett	Daus	Donnelly	Hunter	Lowe 44	Meiners	Pollock
Schneider	Threlkeld	Viebrock	Vogt	Wells—13			

The Joint Committee appointed to wait upon His Excellency, Governor Matt Blunt, escorted the Governor to the dais where he delivered the State of the State Address to the Joint Assembly:

CHANGE THAT IS WORKING

Lt. Governor Kinder, President Pro Tem Gibbons, Speaker Jetton, distinguished officials, judges of the Supreme Court, members of the General Assembly, reverend clergy, my fellow Missourians:

Just over 200 years ago, Lewis and Clark returned with their band of rugged explorers to tell the nation, and the world, about the treasures west of the Mississippi. Our state was the first of those treasures.

As the world looked to America, America looked to Missouri. Soon, our state was being settled by hard-working, independent, prudent, faithful, optimistic Americans. By 1904, the character of Missourians was widely-known. As the world descended on St. Louis for the Louisiana Purchase Exposition, visitors were treated to “The State of Missouri,” a book which described the spirit of our state as “the spirit of progress, tempered by conservatism.” And the “spirit of a community, conscious of its own secure position....hospitable, generous, brave.”

The spirit of Missouri has held fast. Missourians remain independent, hospitable, generous, and brave. We cherish individualism, tempered by the bonds of community and the Heartland values of faith, family, and freedom. We are practical. We seek solutions.

Missourians want and deserve government that reflects Missouri values, government which rewards work and responsibility, encourages creativity, protects law-abiding citizens, spends tax dollars wisely, and helps those who cannot help themselves.

Unfortunately, that is not always what they have received. Only four years ago, bad public policy was causing our state to lose jobs at an alarming – and unacceptable rate. Business-as-usual in the state capitol was hurting Missouri families.

Missourians demanded change: to put Missouri families, Missouri values, and Missouri taxpayers first. We embarked on a course to bring jobs back to our state. We have succeeded. Change is working. Since January of 2005, Missourians have created nearly 90,000 jobs.

Change is working. Missourians are prospering.

Tonight, I am pleased to report: our economy is growing, our schools are improving, our health care system has been transformed for the better, and, most importantly, because we have the strength of Missourians as our foundation: THE STATE OF OUR STATE IS STRONG.

RESPECTING MISSOURIANS' HARD EARNED DOLLARS

The changes we have made are working, but I know that many Missouri families are struggling with mortgages, three dollar a gallon gasoline and a government in Washington that fails to address their day-to-day problems.

Now is not the time to go back to the old ways of bigger government, higher taxes, more lawsuits, and too much regulation. The changes we secured – lawsuit reform, regulatory improvements, and working with rather than against farmers and small business owners – were vital in creating new jobs.

Equally important was responsible stewardship of taxpayer's hard-earned dollars. All too often in the past, state government saw tax collection as a natural right of government rather than as a necessary evil. Spending went up, and, if we had not stepped in, more job-killing tax hikes would have followed.

We inherited a state budget that was broken and ruined by profligate spending. Many claimed it would be impossible to save the wrecked budget without increasing taxes. We proved them wrong. We eliminated tremendous amounts of waste and attacked fraud. We increased funding for education at all levels. And we fixed that inherited budget crisis WITHOUT raising job-killing taxes. In fact, we cut taxes. We took our state from a budget crisis to three consecutive budget surpluses.

We will not go back to the old-way. We will continue on our changed course. The budget I submit tonight reduces taxes, helps thousands of working Missouri families afford their own health insurance; supports law enforcement; and continues to increase our investment in education. My budget will increase opportunity and reduce taxes.

A WORLD CLASS EDUCATION

As long ago as 1786, Thomas Jefferson articulated a principle that became a bedrock Missouri value. Jefferson wrote: "By far the most important bill in our whole code is that for the diffusion of knowledge among the people. No other foundation can be devised for the preservation of freedom and happiness." It was true then and it is true today. Education is the most important investment we can make in our own, and in our children's future. It promotes our freedoms. It promotes our happiness, and, by creating opportunity, nurtures a society of rising prosperity.

Unfortunately, under the old way, education had become a pawn in budget battles. Students, teachers, and classrooms suffered under the way things were. When education was just an afterthought, it was easily sacrificed to cover out-of-control spending in other areas.

Missourians wanted a state government that would put classrooms, teachers, and, most importantly, students first. And that is what we have provided. Education is my highest budget priority.

By passing my budget, you will ensure, once again, that Missouri teachers and students have the resources they need to succeed. And when passed, we will have achieved a remarkable feat. By having the vision to look ahead and the fortitude to keep our commitments to the people of Missouri, we will have increased our total investment in education by 1.2 billion dollars.

My budget recommendations this year include significant increases in funding at all levels – from pre-school to graduate school. Elementary and secondary schools receive an increase of 121 million dollars or more than 4 percent from last year. Missouri colleges and universities receive more than 54.2 million dollars in direct funding, an increase of more than 6 percent. That includes funding to train more doctors, nurses, dentists, and pharmacists to meet the health care needs of Missourians.

Today's technology-driven economy places high value on skills in math, engineering, technology, and science. To ensure that the next generation enjoys even greater prosperity, we must provide our students with a world-class education in these subjects. We want our students to do more than merely keep up with their peers in other states and other countries. We want them to lead the world.

We have already taken several steps forward. We trained hundreds of Advanced Placement teachers and helped more students take Advanced Placement math and science tests. We built more technologically-advanced classrooms, and we funded after-school programs in math and science.

Our changes are working. Academic performance is improving. Missouri fourth and eighth-graders posted significant gains in the 2007 school year on national math tests. Missouri was one of only six states with fourth-graders who scored higher on all five sections of the national math exam. Missouri high school students also improved. A record seventy-four percent of Missouri seniors took the ACT last year, and they beat the national average.

These results are encouraging. But we must do more. I want our students to be better than above-average. I want Missouri students to be at the head of the class.

Tonight, I recommend increased investment in math and science education. I recommend three-quarters of a million dollars to train

nearly 1,000 new Advanced Placement teachers and to help more than 6,000 Missouri students take Advanced Placement tests. I recommend 5 million dollars to create 100 technologically-advanced classrooms and to equip 300 classrooms with advanced math and science curriculum. And I recommend 1.1 million dollars for after-school programs, which help students learn, stay fit, stay safe, and stay out of trouble.

Missouri colleges and universities were also neglected by the failed priorities of the old budgets. We needed to invest in better classrooms and labs, and we are doing so.

Last year, for the first time ever, in order to protect Missouri families from future unreasonable tuition hikes, we capped tuition increases, and we launched the Lewis & Clark Discovery Initiative. Thus far, we have invested 289 million dollars for dozens of world-class learning centers to better compete with rival states.

This year, I recommend further investment. I request 31 million dollars for construction, renovation, and improvement of the Ellis Fischel Cancer Center at the University of Missouri, and another 15 million dollars for the Pharmacy and Nursing Building at the University of Missouri at Kansas City.

I also recommend continued increases in scholarship funding. My budget includes more than 25 million dollars for A+ student scholarships, helping more than 20,000 Missourians attend community colleges, nearly double the program's funding since January of 2005. And it includes even more significant increases in need-based scholarships.

When I took office, Missouri state government spent just 25 million dollars on need-based scholarships. We created the Access Missouri Scholarship initiative to simplify the application process for students, and we dramatically increased funding. Before Access Missouri, we issued 16,400 scholarships. So far this year, with Access Missouri, we have helped more than 36,000 students.

One of those students is here tonight. I would like to introduce you to Traci Clark and her daughter Bree. Traci is a nursing student at the University of Missouri at St. Louis. During a recent visit to UMSL, Traci told me that her daughter inspired her to go back to school, and that Access Missouri was vital to make college affordable, and her dreams come true. Traci is a great example of how the Access Missouri scholarship is allowing Missouri students to reach their full potential and be of service to our fellow Missourians in the years to come. Traci and Bree: thank you for being here.

Tonight, I recommend 100 million dollars for Access Missouri scholarships – quadrupling our investment in need-based scholarships during my administration. This four-fold increase in scholarship funding will expand opportunity for thousands of Missourians studying to make their lives better and Missouri more prosperous.

The funding recommendations in my budget will provide our schools, teachers, and students with significant resources to be successful now, and in the future. Unlike in the past, we will not leave our schools, teachers, or students scraping for left-overs. And I will keep my pledge to never withhold funds that you appropriate for our public schools.

We had a vision for a better future. We set priorities. We led. We maintained the resolve necessary to implement positive change. We will continue to advance. With this budget, over four years, we will have invested an additional 1.2 billion dollars in education.

PROTECTING MISSOURI TAXPAYERS

We have also protected Missouri taxpayers. Last spring, we cut taxes for Missouri seniors by passing the Senior Tax Justice Act, which will end state taxation of Social Security benefits.

Over the past three years, we have demonstrated that effective government need NOT be an intrusive, tax-raising Goliath. In fact, the opposite is true. As government wanders where it does not belong, it loses its effectiveness.

I want to ensure that state government serves citizens effectively and is directly accountable to the people who pay the bills. That is why I created the Missouri Accountability Portal, an Internet site enabling Missourians to track the expenditure of all tax dollars in near real-time. To guarantee future transparency, I urge the General Assembly to make the Accountability Portal permanent.

I also want to ensure that Missourians have a government they can trust. In 2006, I banned gifts from lobbyists to any employee of the Governor's office. I urge you to apply this ban on lobbyists' gifts to the entire executive branch.

Missourians must have a say over taxes and spending. When courts order higher taxes, it is taxation without representation, and against the first principles of democracy. This is America. People should never be taxed without their consent. Yet, courts elsewhere are beginning to usurp powers they do not have. One such area is the definition of marriage, which Missourians placed off limits to unelected judges in 2004. Courts are also beginning to hijack the powers to tax and spend. In Missouri a federal judge ordered new taxes. Just next door, a state court in Kansas recently followed that poor example. The time to close this door is NOT after a future Missouri court discovers a new and illegitimate power to tax. The time to close this door is NOW.

In America, the powers to tax and to spend are for the people directly, and their elected representatives. To protect government by the

people, I recommend that you place on the ballot a measure to ensure that Missouri will never have judge-imposed taxes.

Though we have cut state taxes, not all local governments in Missouri have followed our lead.

All Missourians pay property taxes, whether directly or through higher rent. Rates are set by locally elected boards, but we can take action to stop these excessive local increases.

State law is flawed because it allows hidden tax increases, through mandated increases in property valuations. Property assessments and re-assessments should be fair. All too often, they have instead become a shadowy path to higher taxes. I look forward to working with you to develop tax reform that includes truth in taxation and mandatory levy rollbacks. It is imperative that all Missourians benefit from this relief. Let's not pick and choose who gets property tax relief. Let's protect all Missourians from these massive local property tax increases.

INCREASING ACCESS TO HEALTH CARE

By sticking to responsible budgets, making record investments in education, and protecting Missouri taxpayers, we have succeeded in making Missouri a state of greater opportunity. But work remains. I want more Missouri working families to have access to affordable health care. Missouri is among the 20 best states for the share of people with health coverage. I want us to do even better and I will not rest until every Missourian has access to affordable health care.

I inherited a failing government health care system. Outcomes were of little concern, and spending was out-of-control. Hundreds of thousands were on the rolls whose continuing eligibility had not been verified. Under the old way, rooting out fraud and waste was less important than growing programs and throwing tax dollars at problems.

We took a better approach. We sought, and found, solutions that work. We saved the health care safety net by making responsible decisions to focus on the neediest Missourians. We have increased health care spending. And last year, we strengthened the safety net by creating Missouri Health Net.

Unlike the old system, Health Net is about results. The old system treated people like numbers. Health Net treats people as valued patients. Health Net empowers participants through personalized care in a health care home, and, for the first time in Missouri history, guarantees access to primary and preventative care. We should always remember that the best solutions are not government mandates or bigger government programs. Telling a patient, "the bureaucrat will see you now" would be a cure worse than the sickness. Impersonal government-run health care is bad for Missouri families, bad for Missouri doctors, and bad for taxpayers.

I believe in solutions that put Missouri families in greater control of their own lives.

Last fall, I announced the creation of INSURE MISSOURI, to make health insurance more affordable for working Missourians, by relying on the proven Missouri values of work, personal responsibility, and free enterprise.

WORK – Missourians believe in work. We want to help those who are trying to help themselves and their children. INSURE MISSOURI meets the test of rewarding work.

PERSONAL RESPONSIBILITY – INSURE MISSOURI is no handout. Sharing in the cost provides people with the esteem that comes with ownership.

FREE ENTERPRISE – INSURE MISSOURI is not a government program in constant danger of massive waste and cost overruns. Unlike proposals that want to go back in time, INSURE MISSOURI comes without a tax hike. It takes existing resources and helps Missourians buy their own personal health insurance, at an affordable price.

Starting next month, more than 54,000 Missourians can gain immediate access to affordable, high quality care.

Those covered will have incomes below the federal poverty line. Co-payments will be no more than three dollars per visit.

This summer, access to coverage will move above federal poverty. Missourians will make contributions based on income. My budget will help an additional 56,000 Missourians buy their own personal health insurance.

Once fully implemented, INSURE MISSOURI will offer access to care for nearly 200,000 Missourians. This new direction has us on the path to affordable coverage for all.

AUTISM

My budget also includes a substantial increase for autism funding. Last year, we provided 3.9 million dollars to shorten the waiting lists for families seeking services for early intervention and diagnoses of autism and to fund pilot projects to determine best practices in treating children with autism. This year, I recommend 6.4 million dollars to further reduce the waiting list, one million dollars for projects designed to expand treatment and services, and 5 million dollars for the Thompson Center in Columbia, a world-class treatment and research facility we will help build right here in central Missouri. Combined, this funding will improve the lives of Missouri families struggling to overcome autism.

PROTECTING MISSOURI VALUES

We have also championed the values that define who we are as a people. Since January of 2005, we have enacted new laws to reflect our profound respect for the inherent dignity of each and every life.

This year, we must take further steps. I believe the vast majority of Missourians agree that we should do all we can to encourage young parents to choose life. That is why my budget again includes increased funding for the Alternatives to Abortion program.

It is also why I support legislation to strengthen Missouri's informed consent laws. We have a moral obligation to protect Missouri women and defend the dignity of human life. We must ensure that expectant mothers have all the information they need to make fully-informed decisions, including the right to view an ultrasound of their child. As any parent can tell you, there is nothing so powerful as that first glimpse of your child. It enhances early bonding and it will encourage expectant parents to choose life.

HONORING OUR MILITARY HEROES

From Bunker Hill to Baghdad, Missouri veterans have served for freedom and country rather than personal glory, and for that, they deserve our esteem, respect, and gratitude.

War takes an incredible toll on our warriors and their families. They have earned a hero's welcome, and any help we can provide to aid their transition to civilian life. This year, I recommend 2.5 million in new funding for veteran's mental health and sheltering services. The funds will be used to ensure that our returning Soldiers, Sailors, Airmen, and Marines have the care they need as they return to civilian life.

Last year, we cut taxes for all Missourians who purchase health insurance. We cut taxes to protect family-supporting manufacturing jobs. And we passed legislation to end state income taxes on Social Security benefits. This year, I propose a fourth major tax cut. I urge the General Assembly to honor our veterans and eliminate all state income taxes on military retirement benefits.

Tonight, we are joined by a Missourian who will benefit from that tax relief, Chief Warrant Officer Rodney Hughes, a veteran of the War on Terror. Chief Warrant Officer Hughes has 25 years of unbroken service in the Missouri National Guard, including one year in Iraq. He is here tonight as a representative of an estimated 50,000 Missourians who have served our country in the Global War on Terror, and hundreds of thousands of Missourians who have served in the past. Chief Warrant Officer Hughes, we salute you, and all of your fellow warriors.

AGRICULTURE AND RENEWABLE FUELS

My administration has fully returned to the Missouri tradition of encouraging agriculture, helping Missouri family farmers realize proper reward for their toil on the land.

Every year, America spends billions of dollars on foreign oil from anti-American suppliers. Ethanol and biodiesel can and should be used to break this reliance on foreign oil and protect our environment. I believe we would all prefer to fuel our cars with renewable fuel grown by a Midwestern farmer rather than oil from a Middle Eastern dictator.

We have encouraged the production of ethanol to help America move toward environmentally-friendly energy independence. Earlier this month, we became just the third state to implement a renewable fuels standard, increasing the use of ethanol in Missouri. In each of the past three years, I have recommended full funding for ethanol and bio-diesel incentives, and I do so again tonight.

To further grow alternative fuel production, I support a B5 standard for diesel fuel sold in our state. Biodiesel from soybeans has proven much more environmentally-friendly and better for air quality than regular diesel. Research has shown that it cuts carbon dioxide and cancer-causing emissions by more than 75 percent. Adopting a B5 standard will reduce carbon monoxide emissions by 168 million pounds. A B5 standard will improve our air quality and makes sense for Missouri.

PRESERVING OUR ENVIRONMENT

We have a moral obligation to protect our environment. We seek long-term solutions.

Last year, we passed the Hunting Heritage Act to protect thousands of acres of ecologically-diverse flood plain from taxpayer-financed development.

We also passed the Green Power Initiative so that, by 2020, 11 percent of the energy used in our state will be produced from renewable sources. This year, I support incentives for the construction of alternative fuel pumps, for the purchase of environmentally-friendly hybrid vehicles, and for the purchase of cleaner burning alternative fuels.

Of course, there are two sides to the energy equation. We can get our energy from greener sources. And we can also improve energy efficiency. I started an energy efficiency initiative within state government to save taxpayer money and improve Missouri's environment. For example, in Jefferson City, previously wasted energy from a landfill will heat an entire prison. In total, efficiency and innovation will save

Missouri taxpayers more than 15 million dollars per year and help protect our environment.

To build on that success, this budget includes 400,000 dollars for energy audits outside of state government. We will provide 100,000 dollars for voluntary audits to help small businesses save money and energy, and 300,000 dollars to conduct audits of municipal water systems, amongst our largest users of electricity. These audits will help identify inefficiencies – helping to save energy, lower costs, and improve Missouri’s environment.

To reward efficiency by consumers, I support legislation creating a week-long “SHOW-ME GREEN” tax holiday to eliminate sales taxes on Energy-Star certified efficient appliances. This will give Missouri consumers an additional incentive to buy energy efficient products – saving energy, saving money, and preserving our environment.

SAFE AND MODERN TRANSPORTATION

Before I took office, our state highways and bridges were crumbling. Over 87 percent of Missouri’s roads were in less than good condition. Today, 74 percent of Missouri highways are in good condition and Missouri roads are safer. Last year, Missouri led the nation in improved highway safety. Traffic fatalities are down about 15 percent since 2005. This dramatic turnaround fuels job creation, supports tourism and ensures that Missouri families have the transportation system they need and deserve.

PROTECTING THE SAFETY AND SECURITY OF MISSOURIANS

It is a fundamental duty of government to protect the life and property of its citizens, especially Missouri children. At my recommendation, you passed one of America’s strongest versions of Jessica’s Law to ensure that dangerous sexual predators spend at least 30 years in prison and are monitored for their entire life if they ever get out. We also created the Cyber Crime Task Forces grant program so that law enforcement can catch predators before they harm a Missouri child. My budget includes another increase for the Task Forces, bringing total funding to 1.5 million dollars.

I also urge you to improve the state’s sex offender registry by requiring sex offenders to add their e-mail addresses to their profiles.

Violent sex crimes against children are unspeakably evil. Any criminal that rapes a Missouri child deserves the most serious punishment we can deliver. I urge you to make the rape of a Missouri child punishable by death.

We have taken dramatic steps to protect Missourians from methamphetamine – and they are working. I have already signed landmark legislation making it far more difficult to get the raw materials to make meth. Since our state law went into effect, meth incidents have declined by forty percent. This year, I recommend nearly 1 million dollars for a new system to better alert law enforcement to potential abuses. I also request 1.8 million dollars in supplemental funding to help Missouri sheriffs continue their good work to keep meth off our streets and put meth dealers behind bars.

COMBATTING ILLEGAL IMMIGRATION

A just society must rest on the rule of law and respect for the police and courts. Illegal immigration makes a travesty of the rule of law. It undermines wages for Missourians. It imposes huge costs on taxpayers for public services.

Those who favor an open border and welfare benefits for illegal immigrants say that Missouri “doesn’t have a problem” with illegal immigration. Tell that to skilled carpenters or electricians who cannot get work because illegals are being exploited and doing the job for a pittance. Tell it to Missouri taxpayers who subsidize services for those who broke the law to come here. Disrespect for the law is always a serious social problem.

As in generations past, Missourians welcome legal immigrants and want to help them assimilate into our society. That is why I renew my endorsement of English as the official language. I support this because I wish to include all in the full promise of the American life. English is the language of opportunity. As legal residents learn it, they open new doors, leading to greater freedom and prosperity.

But while we open our hearts to those here LEGALLY, we must reserve a firm hand for those who break our laws.

Washington, unfortunately, has failed to secure our borders. Open borders and amnesty are unacceptable. Washington’s failure means states must do more and Missouri is taking the lead.

For example, I directed the Highway Patrol to verify the immigration status of every person booked into jail. Since my directive, 138 illegal immigrants have found out the hard way that crime does not pay. To build on these gains, we have applied for federal approval that deputizes state law enforcement to enforce federal immigration law.

Working with federal authorities, we helped bust and disqualify a state contractor for using illegal workers. I have a simple rule. If a contractor uses illegal labor, they will not do business with Missouri taxpayers.

I urge you to place my directives in statute and pass a number of important legislative initiatives.

I urge you to create new penalties for aiding an illegal in obtaining a license by fraud; and to specifically prohibit illegals from having

a Missouri driver's license.

I ask that you forbid local governments from hampering law enforcement efforts to help enforce immigration law. Missouri should have no "sanctuary cities."

To stop the use of illegal labor and to protect illegal immigrants from exploitation, I support a new law making it a crime to transport any illegal immigrant for exploitive purposes, including illegal labor.

To protect taxpayers, I urge legislation that requires public agencies verify the legal status of applicants before providing welfare benefits.

Missourians know what needs to happen. Turn OFF the magnets that help attract mass illegal immigration.

Finally, I urge you to require stronger employment verification; to punish those who knowingly hire illegals; and to protect from undue penalty those whose failures occur in good faith.

Again: Turn OFF the magnets, end the easy hiring of illegals, and stop undermining American wages.

Missouri is already taking some of the strongest steps in the United States to curb illegal immigration, but we can and should be doing more. Missourians should know that I will do everything I can to combat illegal immigration – to protect their safety, to defend their hard-earned tax dollars, to protect their jobs, and to enforce the rule of law.

CHANGE THAT IS WORKING

When the old way failed the people, Missourians issued their mandate for a new direction.

We took a wrecked state budget and delivered consecutive surpluses.

We took a job climate that was causing entrepreneurs and employers to flee our state and turned it into a climate welcoming new jobs – nearly 90,000 in just three years.

We reduced taxes for Missouri seniors and every Missouri family that spends money on health insurance.

We took a health care system that resulted in poor health for patients and reckless spending for Missouri taxpayers, and replaced it with a better system, one that delivers better care, improves the quality of life for participants, and is sustainable for Missouri taxpayers. Now, for the first time, we will help working families afford their own coverage. And again, I will not rest until every Missourian has access to affordable health care.

We took an education system that all-too-often found itself fighting tooth-and-nail for funding and made it our highest budget priority. We will deliver more than 1.2 billion dollars in new funding, and we will quadruple scholarships to help well more than 36,000 deserving Missouri students.

What we are doing is passing the ultimate Missouri test. It is working. It is working for Missouri families.

Our task is to make what is good, even better. We must aspire for even greater prosperity, opportunity, and freedom. We must never stand still. America is the most dynamic society in human history. We must combine tested and proven values with innovation and the common wisdom of the people, to honor Missouri's motto: that the welfare of the people shall be the supreme law.

May God bless each of you, and may God continue to bless our great and wonderful state.

On motion of Senator Shields, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Rupp.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee to act with a like committee from the Senate pursuant to **HCR 1**. Representatives: Fares, Pearce, Portwood, Quinn (7), May, Hoskins, Grill, Walton, Salva and Young.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee for the Lieutenant Governor and Senators attending the State

of the State address: Representatives: Lipke, Wasson, Guest, Avery, Deeken, Villa, Hubbard, Wright-Jones, Skaggs and Aull.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 1521, regarding Subway, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1522, regarding Atmos Energy Corporation, Jackson, which was adopted.

Senator Loudon offered Senate Resolution No. 1523, regarding Jonathan Jones, Maryland Heights, which was adopted.

Senator Shields offered the following resolution:

SENATE RESOLUTION NO. 1524

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year, and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect, and

WHEREAS, the rates of pay established shall become effective with the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director and eight division level directors to be compensated according to Office of Administration guidelines; and the following authorized employees at rates of pay within the ranges hereby established.

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
6	Staff Attorney II	3,375 - 4,985
2	Research Analyst IV	3,375 - 4,985
1	Investigator	3,131 - 4,586
4	Research Staff Secretary	2,610 - 3,720
5	Budget Research Analyst III	3,375 - 4,985
1	Budget Staff Secretary	2,610 - 3,720
3	Assistant Secretary of Senate	2,909 - 4,139
1	Enrolling & Engrossing Supervisor	2,909 - 4,139
2.5	Enrolling & Engrossing Clerk	2,314 - 3,253
1	Billroom Supervisor	2,314 - 3,253
1	Billroom Clerk	1,988 - 2,746
5	Public Information Specialist	2,314 - 3,253
1	Photographer	2,610 - 3,720
1	Administrative Assistant	3,040 - 6,238
1	Telecommunications Coordinator	2,909 - 4,139
2.5	Accounting Specialist	2,704 - 3,817
1	Human Resources Specialist	2,704 - 3,817
1	Office Assistance Supervisor	2,909 - 4,139
9	Administrative/Office Support	2,704 - 3,817
1	Messenger	1,925 - 2,601
2	Computer Info. Technology Spec. I	3,720 - 5,427
2	Computer Info. Technology Spec. II	4,312 - 6,172

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
1	Computer Info. Technology Spec. III	4,494 - 6,450
4	Computer Info. Technologist II	3,017 - 4,312
1	Network/Communications Specialist	3,720 - 5,427
2	Data Entry Operator III	2,167 - 3,017
1	Composing Equipment Operator III	2,167 - 3,017
0.5	Mailroom Supervisor	2,314 - 3,253
1	Printing Services Technician II	1,988 - 2,746
2	Printing Services Technician III	2,167 - 3,017
2	Printing Services Technician IV	2,435 - 3,375
1	Maintenance Supervisor	2,435 - 3,375
1	Carpenter II	2,435 - 3,375
1	Maintenance Worker	1,988 - 2,746
0.5	Sergeant at Arms (Elected)	2,435 - 3,375
0.5	Doorkeeper (Elected)	1,779 - 2,388
3.5	Assistant Doorkeeper	1,629 - 2,119
0.5	Reading Clerk	1,629 - 2,119
0.5	Chaplain	882 - 1,167
0.5	Security Guard	1,677 - 2,230

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator and each caucus for the employment of Administrative and Clerical Assistants. Each Senator plus the President Pro Tem and the Minority Leader on behalf of their caucus will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' and caucus administrative and clerical assistants shall be within the limits of the categories set forth herein above.

BE IT FURTHER RESOLVED that the Senate Administrator, with the approval of the Senate Administration Committee, shall have the authority to cooperate and coordinate with the Chief Clerk of the House in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED that the Committee on Administration has the authority to reduce, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to adjust the foregoing pay ranges in July to reflect implementation of the state pay plan for FY 2009.

INTRODUCTIONS OF GUESTS

Senator Bartle introduced to the Senate, Michele Cole and her husband, Ken, Blue Springs.

Senator Dempsey introduced to the Senate, Mary Lammert and Barb Herbst, St. Charles.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Scott Smout, M.D., University City.

Senator Justus introduced to the Senate, Sandra Aust, Kansas City.

On behalf of Senator Rupp and himself, Senator Loudon introduced to the Senate, Janet Watkins and her husband, Dave, O'Fallon.

Senator Nodler introduced to the Senate, Danny Craven, Neosho; and Timothy T. Reynolds and Charlotte McClure, Joplin.

Senator Stouffer introduced to the Senate, Mrs. Tatum Reed and fourth grade students from Atlanta C-3 School; and Ashlea Pennington and Alicia Strausbaugh were made honorary pages.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTH DAY–WEDNESDAY, JANUARY 16, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 897-Wilson	SB 919-Rupp
SB 898-Clemens	SB 920-Rupp
SB 899-Dempsey	SB 921-Goodman
SB 900-Vogel	SB 922-Goodman
SB 901-Loudon, et al	SB 923-Shoemyer
SB 902-Loudon	SB 924-Koster
SB 903-Griesheimer	SB 925-Days
SB 904-Griesheimer	SB 926-Green
SB 905-Loudon	SB 927-Green and Callahan
SB 906-Vogel	SB 928-Green
SB 907-Engler and Gibbons	SB 929-Green and Callahan
SB 908-Engler	SB 930-Stouffer
SB 909-Engler	SB 931-Purgason
SB 910-Graham	SB 932-Loudon
SB 911-Engler	SB 933-Loudon
SB 912-Engler	SB 934-Dempsey
SB 913-Bray	SB 935-Griesheimer, et al
SB 914-Bray	SB 936-Griesheimer
SB 915-Ridgeway	SB 937-Shoemyer
SB 916-Goodman	SB 938-Shoemyer
SB 917-Goodman, et al	SB 939-Stouffer
SB 918-Goodman	SB 940-McKenna

SB 941-Clemens	SJR 29-Loudon and Crowell
SB 942-Clemens	SJR 30-Coleman
SB 943-Clemens	SJR 31-Bartle
SB 944-Engler, et al	SJR 32-Bartle
SB 945-Green	SJR 33-Ridgeway
SB 946-Dempsey and McKenna	SJR 34-Crowell and Coleman
SB 947-Kennedy	SJR 35-Shoemyer
SB 948-Justus, et al	SJR 36-Graham
SB 949-Scott	SJR 37-Graham
SB 950-Scott	SJR 38-Clemens
SB 951-Scott	SJR 39-Clemens
SB 952-Scott	SJR 40-McKenna
SB 953-Scott	SJR 41-Rupp
SB 954-Scott	SJR 42-Griesheimer
SB 955-Shields	

INFORMAL CALENDAR

RESOLUTIONS

SR 1515-Coleman

SR 1524-Shields

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Journal of the Senate

SECOND REGULAR SESSION

FIFTH DAY—WEDNESDAY, JANUARY 16, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I have chosen the way of faithfulness; I set your ordinances before me.” (Psalm 119:10)

Gracious God, we know that we can choose the narrow road or the wide road; to build on rock or on sand or we can serve You or riches. We are thankful for this great gift of choice and pray we may always choose that which is right. So help us always to choose the eternal for they have eternal consequences and leads us not into shame. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Shields moved that **SR 1524** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **SR 1524** was adopted.

Senator Justus offered Senate Resolution No. 1525, regarding Paul Mesner, Kansas City, which was

adopted.

Senator Dempsey offered Senate Resolution No. 1526, regarding Richard J. “Dick” Breugger, Sr., St. Charles, which was adopted.

Senator Gibbons offered Senate Resolution No. 1527, regarding Elizabeth “Liz” Walker, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 1528, regarding Mike, Bob and Diana Gray, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 1529, regarding Jeannine Clontz, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 956—By Kennedy.

An Act to repeal sections 247.060 and 247.160, RSMo, and to enact in lieu thereof two new sections relating to public water supply districts.

SB 957—By Goodman.

An Act to repeal section 137.092, RSMo, relating to the submission of personal property lists by rental and leasing facilities.

SB 958—By Goodman.

An Act to repeal section 537.340, RSMo, and to enact in lieu thereof one new section relating to tree trimming.

SB 959—By Goodman.

An Act to repeal section 452.312, RSMo, and to enact in lieu thereof one new section relating to confidentiality of Social Security numbers in court records.

SB 960—By Goodman.

An Act to repeal section 478.173, RSMo, and to enact in lieu thereof one new section relating to the thirty-ninth judicial circuit.

SRB 961—By Goodman.

An Act to repeal sections 21.800, 21.811, 28.163, 32.117, 57.080, 57.130, 71.970, 99.799, 115.177, 143.171, 165.016, 165.018, 174.020, 197.305, 197.318, 197.366, 208.344, 217.860, 303.400, 303.403, 303.406, 303.409, 303.412, 303.415, 307.367, 313.835, 328.050, 329.028, 329.240, 374.208, 376.671, and 620.515, RSMo, and to enact in lieu thereof thirteen new sections for the sole purpose of repealing expired, sunset, terminated, and ineffective provisions of law.

SB 962—By Champion.

An Act to repeal sections 191.400, 192.014, and 660.062, RSMo, and to enact in lieu thereof one new section relating to the board of health and senior services.

SB 963—By Stouffer.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to law enforcement

rotation lists for towing truck companies.

SB 964—By Smith.

An Act to amend chapters 144 and 640, RSMo, by adding thereto two new sections relating to energy efficiency.

SB 965—By Crowell.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to American studies.

SB 966—By Dempsey and Koster.

An Act to amend chapter 287, RSMo, by adding thereto one new section relating to compensation for public safety workers killed in the line of duty.

SB 967—By Mayer.

An Act to repeal section 173.387, RSMo, and to enact in lieu thereof one new section relating to federally guaranteed student loans.

SB 968—By Shields.

An Act to repeal sections 610.010 and 610.021, RSMo, and to enact in lieu thereof two new sections relating to meetings held by nonpartisan judicial commissions.

SB 969—By Scott.

An Act to repeal section 105.955, RSMo, and to enact in lieu thereof one new section relating to the executive director of the Ethics Commission, with an emergency clause.

SB 970—By Scott.

An Act to repeal section 105.483, RSMo, and to enact in lieu thereof one new section relating to filing financial interest statements.

Senator Scott assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 897—Economic Development, Tourism and Local Government.

SB 898—Agriculture, Conservation, Parks and Natural Resources.

SB 899—Judiciary and Civil and Criminal Jurisprudence.

SB 900—Ways and Means.

SB 901—Small Business, Insurance and Industrial Relations.

SB 902—Small Business, Insurance and Industrial Relations.

SB 903—Transportation.

SB 904—Commerce, Energy and the Environment.

SB 905—Economic Development, Tourism and Local Government.

SB 906—Transportation.

- SB 907**—Commerce, Energy and the Environment.
- SB 908**—Financial and Governmental Organizations and Elections.
- SB 909**—Financial and Governmental Organizations and Elections.
- SB 910**—Seniors, Families and Public Health.
- SB 911**—Education.
- SB 912**—Judiciary and Civil and Criminal Jurisprudence.
- SB 913**—Commerce, Energy and the Environment.
- SB 914**—Agriculture, Conservation, Parks and Natural Resources.
- SB 915**—Seniors, Families and Public Health.
- SB 916**—Health and Mental Health.
- SB 917**—Financial and Governmental Organizations and Elections.
- SB 918**—Seniors, Families and Public Health.
- SB 919**—Transportation.
- SB 920**—Commerce, Energy and the Environment.
- SB 921**—Judiciary and Civil and Criminal Jurisprudence.
- SB 922**—Judiciary and Civil and Criminal Jurisprudence.
- SB 923**—Health and Mental Health.
- SB 924**—Ways and Means.
- SB 925**—Education.
- SB 926**—Financial and Governmental Organizations and Elections.
- SB 927**—Pensions, Veterans' Affairs and General Laws.
- SB 928**—Commerce, Energy and the Environment.
- SB 929**—Small Business, Insurance and Industrial Relations.
- SB 930**—Governmental Accountability and Fiscal Oversight.
- SB 931**—Agriculture, Conservation, Parks and Natural Resources.
- SB 932**—Judiciary and Civil and Criminal Jurisprudence.
- SB 933**—Judiciary and Civil and Criminal Jurisprudence.
- SB 934**—Financial and Governmental Organizations and Elections.
- SB 935**—Economic Development, Tourism and Local Government.
- SB 936**—Transportation.
- SB 937**—Transportation.
- SB 938**—Financial and Governmental Organizations and Elections.
- SB 939**—Agriculture, Conservation, Parks and Natural Resources.

- SB 940**—Judiciary and Civil and Criminal Jurisprudence.
- SB 941**—Agriculture, Conservation, Parks and Natural Resources.
- SB 942**—Education.
- SB 943**—Economic Development, Tourism and Local Government.
- SB 944**—Financial and Governmental Organizations and Elections.
- SB 945**—Commerce, Energy and the Environment.
- SB 946**—Seniors, Families and Public Health.
- SB 947**—Governmental Accountability and Fiscal Oversight.
- SB 948**—Judiciary and Civil and Criminal Jurisprudence.
- SB 949**—Economic Development, Tourism and Local Government.
- SB 950**—Commerce, Energy and the Environment.
- SB 951**—Financial and Governmental Organizations and Elections.
- SB 952**—Financial and Governmental Organizations and Elections.
- SB 953**—Financial and Governmental Organizations and Elections.
- SB 954**—Financial and Governmental Organizations and Elections.
- SB 955**—Transportation.
- SJR 29**—Pensions, Veterans’ Affairs and General Laws.
- SJR 30**—Judiciary and Civil and Criminal Jurisprudence.
- SJR 31**—Transportation.
- SJR 32**—Governmental Accountability and Fiscal Oversight.
- SJR 33**—Ways and Means.
- SJR 34**—Judiciary and Civil and Criminal Jurisprudence.
- SJR 35**—Agriculture, Conservation, Parks and Natural Resources.
- SJR 36**—Governmental Accountability and Fiscal Oversight.
- SJR 37**—Governmental Accountability and Fiscal Oversight.
- SJR 38**—Governmental Accountability and Fiscal Oversight.
- SJR 39**—Financial and Governmental Organizations and Elections.
- SJR 40**—Ways and Means.
- SJR 41**—Judiciary and Civil and Criminal Jurisprudence.
- SJR 42**—Economic Development, Tourism and Local Government.

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Mathew, Tonya and Joshua Clarke, Dittmer.

Senator Clemens introduced to the Senate, Karen M. Prescott, Springfield; and Gene Wiseman,

Jefferson City.

Senator Loudon introduced to the Senate, Stephanie Maucher and her son, John, House Springs; and John was made an honorary page.

Senator Mayer introduced to the Senate, Cody Knodell and Mitchell Davis, Poplar Bluff; and Cody and Mitchell were made honorary pages.

Senator Justus introduced to the Senate, Kelly Pittman, Fulton.

Senator Shoemyer introduced to the Senate, his parents, Robert and Dorothy Shoemyer, Shelbina.

Senator Coleman introduced to the Senate, Tracy Johnson, Crystal City.

On behalf of Senator Green, Senator Coleman introduced to the Senate, John Hardy, St. Louis; and Rebecca Herwick and Hildur Bauer, Florissant.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTH DAY—THURSDAY, JANUARY 17, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 956-Kennedy
SB 957-Goodman
SB 958-Goodman
SB 959-Goodman
SB 960-Goodman
SRB 961-Goodman
SB 962-Champion
SB 963-Stouffer

SB 964-Smith
SB 965-Shields
SB 966-Dempsey and Koster
SB 967-Mayer
SB 968-Shields
SB 969-Scott
SB 970-Scott

INFORMAL CALENDAR

RESOLUTIONS

SR 1515-Coleman

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Journal of the Senate

SECOND REGULAR SESSION

SIXTH DAY—THURSDAY, JANUARY 17, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Two are better than one...For if one falls, one lifts the other; but woe to one who is alone and falls and does not have another to help.”
(Ecclesiastes 4:9-10)

Lord, we thank You and are grateful for colleagues, friends and family, for we know what a blessing it is to have others to share our lives and help us when we need assistance and provide correction when we have erred and offer forgiveness that seeks to mend relationships. As we return home help us always be mindful of these gifts to us and rejoice that they are there for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

Absent—Senators—None

Absent with leave—Senators

Bartle Shields—2

Vacancies—None

The Lieutenant Governor was present.

Senator Engler requested unanimous consent of the Senate for the Senate Journal of January 16, 2008 to reflect Joshua Clarke being named an honorary page, which request was granted.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 1530, regarding Blake Allen Schollmeyer, Jefferson City, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1531, regarding Matthew Calvin Smith, Mexico, which was adopted.

Senator Green offered Senate Resolution No. 1532, regarding Peter Gabriel Krenn, Bellefontaine Neighbors, which was adopted.

Senator Engler offered Senate Resolution No. 1533, regarding Ree Rogers, Farmington, which was adopted.

Senator Rupp offered Senate Resolution No. 1534, regarding Tom Hughes, Saint Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 1535, regarding Lisa Baue, St. Charles, which was adopted.

Senator Stouffer offered Senate Resolution No. 1536, regarding the One Hundredth Birthday of Imo H. Walker, Macon, which was adopted.

Senator Dempsey offered Senate Resolution No. 1537, regarding Herb Pundmann, St. Charles County, which was adopted.

Senator Dempsey offered Senate Resolution No. 1538, regarding Richard Sacks, St. Charles County, which was adopted.

Senator Dempsey offered Senate Resolution No. 1539, regarding Linda Klohr, St. Peters, which was adopted.

Senator Dempsey offered Senate Resolution No. 1540, regarding John Spear, St. Charles County, which was adopted.

Senator Dempsey offered Senate Resolution No. 1541, regarding Grace Nichols, St. Charles County, which was adopted.

CONCURRENT RESOLUTIONS

Senator Champion offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 27

WHEREAS, the National Center for State Courts recently completed the Missouri Circuit Court Judicial Workload Assessment Study, which was undertaken in order to provide information about allocation of and need for judicial resources in the various judicial circuits; and

WHEREAS, the study shows that three of the largest judicial circuits in the state, the twenty-first circuit consisting of the county of St. Louis, the sixteenth circuit consisting of the county of Jackson County, and the thirty-first circuit consisting of the county of Greene, are each in need of at least five additional judicial officers; and

WHEREAS, the study also shows that several jurisdictions have one or more additional judicial officers than are needed to manage their daily caseloads; and

WHEREAS, the Supreme Court of Missouri has the authority to temporarily require transfer of any judge to another judicial circuit, pursuant to Section 6 of Article V of the Constitution of Missouri and Court Rule; and

WHEREAS, the Court currently utilizes a judicial transfer program and is examining ways in which to establish partnerships with judicial officers and personnel in order to expand such program:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby recognize that allocation and sharing of judicial resources is necessary for the administration of justice; and

BE IT FURTHER RESOLVED that the members of the Ninety-Fourth General Assembly, Second Regular Session, encourage the Supreme Court to work with the presiding judges of the various judicial circuits, the Office of the State Courts Administrator, and the Circuit Court Budget Committee in order to efficiently allocate resources among the various circuits;

BE IT FURTHER RESOLVED that the members of the Ninety-Fourth General Assembly, Second Regular Session, also encourage the Court to continue to track workloads of judges in order to update the information presented in the Workload Assessment Study, and to examine and alter its Rules if necessary to effectively implement and expand the judicial transfer program;

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Supreme Court, the Circuit Court Budget Committee, and the Office of the State Courts Administrator, which shall send a copy to the presiding judge of each judicial circuit.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 971—By Clemens.

An Act to repeal section 10.012, RSMo, and to enact in lieu thereof one new section relating to the official state game bird.

SB 972—By Stouffer.

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to comprehensive day rehabilitation services under the MO HealthNet program.

SB 973—By Engler and Shoemyer.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the regulation and licensing of Medicare Advantage insurance agents, with penalty provisions.

SB 974—By Engler.

An Act to repeal sections 537.037, 630.045, 630.140, 630.175, 632.005, and 632.440, RSMo, and to enact in lieu thereof six new sections relating to mental health services.

SB 975—By Ridgeway.

An Act to repeal section 577.023, RSMo, and to enact in lieu thereof one new section relating to alcohol monitoring, with penalty provisions.

SB 976—By Ridgeway.

An Act to repeal sections 621.250 and 640.013, RSMo, and to enact in lieu thereof two new sections relating to certain appeals to be heard by the administrative hearing commission.

SB 977—By Ridgeway and Loudon.

An Act to amend chapter 135, RSMo, by adding thereto seven new sections relating to the Betty L. Thompson scholarship program.

SB 978—By Griesheimer.

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to recall of ambulance district board members.

SB 979—By Vogel.

An Act to repeal sections 135.090 and 144.270, RSMo, and to enact in lieu thereof two new sections relating to taxation.

SJR 43—By Loudon.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri relating to the distribution of general revenue funds to the various transportation funds.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Melinda L. Ward, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products;

Also,

Terry M. Jarrett, Republican, as a member of the Public Service Commission;

Also,

Jane A. Henke, Vincent M. Cannon, Wilbur Craig McGuire, Jeanette L. Brown, Joyce McMahan Massey and Noella A. Buchanan, as members of the Child Abuse and Neglect Review Board;

Also,

Steven H. Lipstein and Frederick G. DeFeo, as members of the MO HealthNet Oversight Committee;

Also,

Nimrod T. Chapel, Jr., as a member of the Administrative Hearing Commission;

Also,

Andrew J. Bracker, Democrat, as a member of the Hazardous Waste Management Commission;

Also,

Rebecca L. Herwick, as a member of the Missouri Head Injury Advisory Council;

Also,

Michael "Wayne" Wheeler, as a member of the Public School Retirement System of Missouri;

Also,

Cynthia L. Parks, as a member of the State Historical Records Advisory Board;

Also,

Karen M. Prescott, Democrat, as a member of the State Milk Board;

Also,

Charles M. Heiss, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Vicki L. McCarrell, as a member of the Missouri Planning Council on Developmental Disabilities;

Also,

Renate D. Brodecker, as a member of the Board of Therapeutic Massage;

Also,

Terry D. Milam, as a member of the Amber Alert System Oversight Committee.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

On motion of Senator Goodman, the Senate adjourned until 4:00 p.m., Tuesday, January 22, 2008.

SENATE CALENDAR

SEVENTH DAY—TUESDAY, JANUARY 22, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 956-Kennedy
SB 957-Goodman
SB 958-Goodman
SB 959-Goodman
SB 960-Goodman
SRB 961-Goodman
SB 962-Champion
SB 963-Stouffer
SB 964-Smith
SB 965-Shields

SB 966-Dempsey and Koster
SB 967-Mayer
SB 968-Shields
SB 969-Scott
SB 970-Scott
SB 971-Clemens
SB 972-Stouffer
SB 973-Engler and Shoemyer
SB 974-Engler
SB 975-Ridgeway

SB 976-Ridgeway

SB 977-Ridgeway and Loudon

SB 978-Griesheimer

SB 979-Vogel

SJR 43-Loudon

INFORMAL CALENDAR

RESOLUTIONS

SR 1515-Coleman

To be Referred

SCR 27-Champion

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Journal of the Senate

SECOND REGULAR SESSION

SEVENTH DAY—TUESDAY, JANUARY 22, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“For the Lord is righteous; he loves righteous deeds; the upright shall behold his face.” (Psalm 11:7)

Righteous Lord, we come again to do the work You would have us do, mindful of Your servant Martin Luther King who walked along the path You led him; to teach us to love one another and do whatever we can for others no matter of race, creed or religious persuasion. Help us to make our deeds worthy to be called righteous and follow the path You would lead us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

President Pro Tem Gibbons assumed the Chair.

The Journal for Thursday, January 17, 2008 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Graham offered Senate Resolution No. 1542, regarding the Class 1 State Softball Champion Lady Bearcats; Northeast Randolph County R-IV, which was adopted.

Senator Goodman offered Senate Resolution No. 1543, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Ray Schlessman, Pineville, which was adopted.

Senator Clemens offered Senate Resolution No. 1544, regarding Justin Dale Snider, Republic, which was adopted.

Senator Purgason offered Senate Resolution No. 1545, regarding Helen L. Minor, which was adopted.

Senator Loudon offered Senate Resolution No. 1546, regarding Jerry Right, Chesterfield, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1547, regarding the One Hundredth Anniversary of the Order of the Eastern Star Chapter #40, Kahoka, which was adopted.

Senator Loudon offered Senate Resolution No. 1548, regarding Thom Sehnert, which was adopted.

Senator Crowell offered Senate Resolution No. 1549, regarding the Sixtieth Wedding Anniversary of Earl and Irene Siemers, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1550, regarding Becka Hollis, Cape Girardeau, which was adopted.

Senator Smith offered Senate Resolution No. 1551, regarding Maria Katherine Klimenko, St. Louis, which was adopted.

Senator Crowell offered Senate Resolution No. 1552, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Glen Cox, Delta, which was adopted.

Senator Crowell offered Senate Resolution No. 1553, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. James Kidd, Gordonville, which was adopted.

Senator Crowell offered Senate Resolution No. 1554, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard J. Hill, Cape Girardeau, which was adopted.

Senator Bray offered Senate Resolution No. 1555, regarding Language Solutions, Inc., Clayton, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 980—By Ridgeway.

An Act to repeal sections 86.1180, 86.1200, and 86.1560, RSMo, and section 86.1230 as enacted by senate bill no. 172, ninety-fourth general assembly, first regular session, and to enact in lieu thereof three new sections relating to the police retirement system and the civilian employees' retirement system of the police department of Kansas City.

SB 981—By Purgason.

An Act to repeal section 263.232, RSMo, and to enact in lieu thereof one new section relating to

noxious weed control.

SB 982—By Purgason.

An Act to amend chapter 578, RSMo, by adding thereto one new section relating to the removal of a dog collar, with penalty provisions.

SB 983—By Purgason.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to intellectual diversity.

SB 984—By Shoemyer.

An Act to repeal section 173.250, RSMo, and to enact in lieu thereof one new section relating to a higher education academic scholarship program.

SB 985—By Shoemyer.

An Act to repeal section 575.060, RSMo, and to enact in lieu thereof one new section relating to false declarations, with penalty provisions.

SB 986—By Shoemyer.

An Act to amend chapter 407, RSMo, by adding thereto six new sections relating to motor vehicle damage appraisers, with penalty provisions.

SB 987—By Shoemyer.

An Act to repeal section 208.955, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet oversight committee.

SB 988—By Shoemyer.

An Act to repeal sections 313.055 and 313.057, RSMo, and to enact in lieu thereof two new sections relating to tax exemptions for certain organizations, with penalty provisions.

SB 989—By Wilson.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to an income tax credit for poll workers.

SB 990—By Champion.

An Act to amend chapter 198, RSMo, by adding thereto one new section relating to nursing homes.

SB 991—By Loudon and Kennedy.

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the official state dessert.

SB 992—By Loudon.

An Act to repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to assessment of real property, with a contingent effective date.

SB 993—By Crowell.

An Act to amend chapter 163, RSMo, by adding thereto six new sections relating to the Missouri

special needs scholarship tax credit program.

SB 994—By Crowell.

An Act to repeal section 169.010, RSMo, and to enact in lieu thereof one new section relating to the public school retirement system of Missouri.

SB 995—By Crowell.

An Act to repeal sections 160.261, 167.621, 167.624, and 190.092, RSMo, and to enact in lieu thereof four new sections relating to liability for school employees and volunteers, with penalty provisions.

SB 996—By Crowell.

An Act to repeal section 376.980, RSMo, and to enact in lieu thereof one new section relating to the transfer of certain sales or use tax credits or offsets by Missouri health insurance pool members.

SB 997—By Crowell.

An Act to repeal sections 86.107 and 86.590, RSMo, and to enact in lieu thereof two new sections relating to investments by the board of trustees of police and firemen's pension systems.

SB 998—By Crowell.

An Act to repeal section 494.425, RSMo, and to enact in lieu thereof one new section relating to persons ineligible to serve on juries.

SB 999—By Scott.

An Act to repeal section 427.225, RSMo, and to enact in lieu thereof one new section relating to the deceptive use of a financial institution's name.

SB 1000—By Justus.

An Act to amend chapters 167 and 210, RSMo, by adding thereto three new sections relating to educational needs and rights for foster children.

SB 1001—By Justus, Wilson and Callahan.

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to liquor licenses for certain festival districts.

SB 1002—By Justus, Wilson and Callahan.

An Act to repeal section 89.120, as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 89.120, as enacted by senate committee substitute for house bill no. 1352, eighty-ninth general assembly, second regular session, and to enact in lieu thereof one new section relating to zoning violation remedies, with penalty provisions.

SB 1003—By Bray.

An Act to repeal sections 116.080 and 116.090, RSMo, and to enact in lieu thereof three new sections relating to initiative and referendum petitions, with penalty provisions.

SB 1004—By Bray.

An Act to repeal section 160.405, RSMo, and to enact in lieu thereof one new section relating to charter schools.

SB 1005—By Bray and Griesheimer.

An Act to amend chapter 445, RSMo, by adding thereto seventy-six new sections relating to the uniform planned community act.

SJR 44—By Loudon.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 3 and 4 (b) of article X of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the assessment of residential real property.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gregory B. Allen, 3732 Belleview, Kansas City, Jackson County, Missouri 64111, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2009, and until his successor is duly appointed and qualified; vice, Benedict Zobrist, deceased.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Thomas L. Couch, 255 Seraphin Street, Sainte Genevieve, Sainte Genevieve County, Missouri 63670, as a member of the State Blasting Safety Board, for a term ending January 15, 2011, and until his successor is duly appointed and qualified; vice, RSMo 319.324.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Keith M. Henderson, 8 White Pine Court, Union, Franklin County, Missouri 63084, as a member of the State Blasting Safety Board, for

a term ending January 15, 2010, and until his successor is duly appointed and qualified; vice, RSMo 319.324.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Theodore L. Martin, 150 Meadow Avenue, Branson, Taney County, Missouri 65616, as a member of the State Blasting Safety Board, for a term ending January 15, 2009, and until his successor is duly appointed and qualified; vice, RSMo 319.324.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gary J. Pendergrass, 4032 South Gatlin Court, Springfield, Greene County, Missouri 65807, as a member of the Board of Geologist Registration, for a term ending April 11, 2010, and until his successor is duly appointed and qualified; vice, Lisa Hosey, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gregory A. Roebach, 301 Stonehenge Drive, Washington, Franklin County, Missouri 63090, as a member of the State Committee for Professional Counselors, for a term ending August 28, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jolene M. Schulz, Democrat, 1716 Stirling Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Community Service Commission, for a term ending December 15, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Toni R. Schwartz, Republican, 315 Cedar Avenue, Jonesburg, Montgomery County, Missouri 63351, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 2013, and until her successor is duly appointed and qualified; vice, Mike Kehoe, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John D. Starr, Democrat, 833 West 51st Street, Kansas City, Jackson County, Missouri 64112, as a member of the Missouri Development Finance Board, for a term ending September 14, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Randall M. Wheeler, 2401 Walnut Avenue, Joplin, Jasper County, Missouri 64804, as a member of the State Blasting Safety Board, for a term ending January 15, 2012, and until his successor is duly appointed and qualified; vice, RSMo 319.324.

Respectfully submitted,

MATT BLUNT

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2021**, entitled:

An Act to appropriate money for supplemental purposes for the Department of Conservation, for the purchase of equipment, and for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, from the funds designated for the fiscal period ending June 30, 2008.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2022**, entitled:

An Act to appropriate money for supplemental purposes for the Department of Public Safety, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2008.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2015**, entitled:

An Act to appropriate money for supplemental purposes for the Department of Social Services, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2008.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Gibbons referred **SCR 27** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred the gubernatorial appointments to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

- SB 956**—Commerce, Energy and the Environment.
- SB 957**—Ways and Means.
- SB 958**—Commerce, Energy and the Environment.
- SB 959**—Judiciary and Civil and Criminal Jurisprudence.
- SB 960**—Judiciary and Civil and Criminal Jurisprudence.
- SRB 961**—Governmental Accountability and Fiscal Oversight.
- SB 962**—Seniors, Families and Public Health.
- SB 963**—Transportation.
- SB 964**—Ways and Means.
- SB 965**—Education.
- SB 966**—Small Business, Insurance and Industrial Relations.
- SB 967**—Education.
- SB 968**—Judiciary and Civil and Criminal Jurisprudence.
- SB 969**—Financial and Governmental Organizations and Elections.
- SB 970**—Financial and Governmental Organizations and Elections.
- SB 971**—Agriculture, Conservation, Parks and Natural Resources.
- SB 972**—Health and Mental Health.
- SB 973**—Small Business, Insurance and Industrial Relations.
- SB 974**—Health and Mental Health.
- SB 975**—Judiciary and Civil and Criminal Jurisprudence.
- SB 976**—Judiciary and Civil and Criminal Jurisprudence.
- SB 977**—Pensions, Veterans' Affairs and General Laws.
- SB 978**—Economic Development, Tourism and Local Government.
- SB 979**—Ways and Means.
- SJR 43**—Governmental Accountability and Fiscal Oversight.

RE-REFERRALS

President Pro Tem Gibbons re-referred **SB 905** to the Committee on Transportation.

President Pro Tem Gibbons re-referred **SB 770** to the Committee on Pensions, Veterans' Affairs and General Laws.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Lorraine Ura, and Gary, Barbara and Alex Vehlewald, St. Louis.

Senator Wilson introduced to the Senate, Tiara Williamson, St. Louis.

Senator Justus introduced to the Senate, Casey Bruce, South St. Louis County.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

EIGHTH DAY—WEDNESDAY, JANUARY 23, 2008

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 980-Ridgeway	SB 994-Crowell
SB 981-Purgason	SB 995-Crowell
SB 982-Purgason	SB 996-Crowell
SB 983-Purgason	SB 997-Crowell
SB 984-Shoemyer	SB 998-Crowell
SB 985-Shoemyer	SB 999-Scott
SB 986-Shoemyer	SB 1000-Justus
SB 987-Shoemyer	SB 1001-Justus, et al
SB 988-Shoemyer	SB 1002-Justus, et al
SB 989-Wilson	SB 1003-Bray
SB 990-Champion	SB 1004-Bray
SB 991-Loudon and Kennedy	SB 1005-Bray and Griesheimer
SB 992-Loudon	SJR 44-Loudon
SB 993-Crowell	

HOUSE BILLS ON SECOND READING

HB 2021-Icet	HB 2015-Icet
HB 2022-Icet	

INFORMAL CALENDAR

RESOLUTIONS

SR 1515-Coleman

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Journal of the Senate

SECOND REGULAR SESSION

EIGHTH DAY—WEDNESDAY, JANUARY 23, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I am Yahweh.” (Exodus 6:12)

Creator God, You have created all that is and all that is meant to be for which we give You thanks. And You have intentionally created us to be. And You desire that we become all that we are meant to be. So we pray that we may strive to become all You intended and do what we must as we pray for Your guidance and assistance. For truly You are Yahweh, the One who causes all that is and what will be and we desire to be part of that. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senators Kennedy and Gibbons offered Senate Resolution No. 1556, regarding Eugene G. “Gene” Murphy, Affton, which was adopted.

Senators Kennedy and Gibbons offered Senate Resolution No. 1557, regarding Elizabeth D. “Beth” Letscher, Affton, which was adopted.

Senators Kennedy and Gibbons offered Senate Resolution No. 1558, regarding Gerald “Jerry” Reinhold, Affton, which was adopted.

Senator Justus offered Senate Resolution No. 1559, regarding Innovations HQ, Kansas City, which was adopted.

Senator Justus offered Senate Resolution No. 1560, regarding Aegis Business Solutions, LLC, Kansas City, which was adopted.

Senator Coleman offered Senate Resolution No. 1561, regarding Orville and Don Middendorf, which was adopted.

Senator Purgason offered Senate Resolution No. 1562, regarding Tony Lee Arable, which was adopted.

Senator Vogel offered Senate Resolution No. 1563, regarding Sharon Topliff, Jefferson City, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1006—By Koster.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to child care subsidies.

SB 1007—By Loudon.

An Act to repeal sections 290.502, 290.505, and 290.512, RSMo, and to enact in lieu thereof three new sections relating to employee compensation, with an emergency clause.

SB 1008—By Loudon.

An Act to repeal section 379.118, RSMo, and to enact in lieu thereof three new sections relating to the transmission of insurance-related information in specific formats.

SB 1009—By Loudon.

An Act to repeal section 381.412, RSMo, and to enact in lieu thereof one new section relating to the acceptance of funds by settlement agents.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 2021—Appropriations.

HB 2022—Appropriations.

HB 2015—Appropriations.

INTRODUCTIONS OF GUESTS

Senator Goodman introduced to the Senate, Diane Brewer, Angela DeMeo, Sherry Andrews and Sara Chrismane, St. Louis.

Senator Gibbons introduced to the Senate, Mike Fitzgerald, Christy Cubhage, Doug Milford, Butch Beeman, Jay Decker, Gary Johnson, Harry Otto and Jim O'Hallaron, members of Missouri Society of Certified Public Accountants.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

NINTH DAY—THURSDAY, JANUARY 24, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 980-Ridgeway	SB 996-Crowell
SB 981-Purgason	SB 997-Crowell
SB 982-Purgason	SB 998-Crowell
SB 983-Purgason	SB 999-Scott
SB 984-Shoemyer	SB 1000-Justus
SB 985-Shoemyer	SB 1001-Justus, et al
SB 986-Shoemyer	SB 1002-Justus, et al
SB 987-Shoemyer	SB 1003-Bray
SB 988-Shoemyer	SB 1004-Bray
SB 989-Wilson	SB 1005-Bray and Griesheimer
SB 990-Champion	SB 1006-Koster
SB 991-Loudon and Kennedy	SB 1007-Loudon
SB 992-Loudon	SB 1008-Loudon
SB 993-Crowell	SB 1009-Loudon
SB 994-Crowell	SJR 44-Loudon
SB 995-Crowell	

INFORMAL CALENDAR

RESOLUTIONS

SR 1515-Coleman

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Journal of the Senate

SECOND REGULAR SESSION

NINTH DAY—THURSDAY, JANUARY 24, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“In you, O Lord, I take refuge; let me never be put to shame.” (Psalm 71:1)

Merciful God, we come to the end of another week here and now have time for family and friends and the other demands on us. Let Your strength assist us in times of stress and pressures and expectations on us and let all we do not bring shame to ourselves. Bless us with peace and love and be an ever present rock and our fortress. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Shields requested unanimous consent of the Senate to allow members of law enforcement to

enter the Chamber with side arms, which request was granted.

RESOLUTIONS

Senator Champion offered Senate Resolution No. 1564, regarding Hammer Collections, LLC, Springfield, which was adopted.

Senator Graham offered Senate Resolution No. 1565, regarding Patric Chocolate, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 1566, regarding NEMS/MEMS WORKS, LLC, Columbia, which was adopted.

Senator Bray offered Senate Resolution No. 1567, regarding the death of Marty Hendin, which was adopted.

Senator Kennedy offered Senate Resolution No. 1568, regarding Adam C. Mikusch, St. Louis, which was adopted.

Senator Mayer offered Senate Resolution No. 1569, regarding the Ninetieth Birthday of John Millard “Wimpy” Allen, Bernie, which was adopted.

Senator Engler offered Senate Resolution No. 1570, regarding the Thirty-fifth Anniversary of Camp Penuel, Ironton, which was adopted.

Senator Stouffer offered Senate Resolution No. 1571, regarding John Carton, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1572, regarding the Orrick High School Football Bearcats Class 1 State Champions, which was adopted.

Senator Stouffer offered Senate Resolution No. 1573, regarding Gary O’Neal, rural Ray County, which was adopted.

Senator Gibbons offered Senate Resolution No. 1574, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joe Rabe, St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 1575, regarding Loren Cree Beverlin, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 1576, regarding James K. Johnson, Chillicothe, which was adopted.

Senator Lager offered Senate Resolution No. 1577, regarding Adam McClure, Trenton, which was adopted.

Senator Kennedy offered Senate Resolution No. 1578, regarding Aaron Behnke, St. Louis, which was adopted.

Senator Koster offered Senate Resolution No. 1579, regarding Dillon Tarwater, Harrisonville, which was adopted.

Senator Koster offered Senate Resolution No. 1580, regarding Lieutenant Colonel Robert A. Lewit, which was adopted.

Senator Koster offered Senate Resolution No. 1581, regarding Show Me Energy Cooperative, Centerview, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1010—By Nodler.

An Act to authorize the conveyance of property owned by the state in Jasper County to Missouri Southern State University.

SB 1011—By Griesheimer.

An Act to repeal sections 311.265, 311.332, 311.334, 311.335, 311.336, 311.338, and 311.630, RSMo, and to enact in lieu thereof three new sections relating to liquor control, with penalty provisions.

SB 1012—By Wilson and Coleman.

An Act to amend chapter 99, RSMo, by adding thereto six new sections relating to duty free zones, with a contingent effective date.

SB 1013—By Wilson and Smith.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the establishment of the Missouri senior cadet program.

SB 1014—By Wilson.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the volunteer and parents incentive program.

SB 1015—By Mayer.

An Act to repeal section 33.103, RSMo, and to enact in lieu thereof one new section relating to state employee payroll deductions for insurance premiums.

SB 1016—By Mayer.

An Act to repeal section 537.675, RSMo, and to enact in lieu thereof one new section relating to distribution of a portion of the tort victims' compensation fund.

SB 1017—By Mayer.

An Act to repeal sections 151.020 and 153.030, RSMo, and to enact in lieu thereof two new sections relating to reports to school districts of property located within school district boundaries.

SB 1018—By Rupp.

An Act to repeal section 546.902, RSMo, and to enact in lieu thereof one new section relating to municipal ordinances.

SB 1019—By Bray, Wilson, Coleman, Days, Justus, McKenna, Smith, Shoemyer, Green, Graham and Koster.

An Act to repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, and to enact in lieu thereof nine new sections relating to human rights.

SB 1020—By Bray, Barnitz and Shoemyer.

An Act to repeal sections 32.087, 67.576, 67.582, 67.584, 67.671, 67.678, 67.1303, 67.1545, 67.1959,

67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 94.900, 144.010, 144.014, 144.030, 144.046, 144.049, 144.100, 144.517, 144.625, 144.655, 144.805, 221.407, 238.235, 238.410, and 644.032, RSMo, and to enact in lieu thereof thirty-one new sections relating to the implementation of the streamlined sales and use tax agreement.

SB 1021—By Loudon, Scott, Days and Purgason.

An Act to repeal sections 334.010, 334.120, and 334.260, RSMo, and to enact in lieu thereof nine new sections relating to the practice of midwifery, with penalty provisions and an emergency clause.

SB 1022—By Coleman.

An Act to repeal section 375.420, RSMo, and to enact in lieu thereof one new section relating to vexatious refusal to pay insurance claims.

SB 1023—By Coleman.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to recall elections for school board members.

REPORTS OF STANDING COMMITTEES

Senator Nodler, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HB 2015**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 2021**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 2022**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Mark D. Head, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Stephen C. Bradford, Republican, as a member of the Missouri Housing Development Commission;

Also,

Daniel T. Mahn, Democrat, as a member of the State Board of Embalmers and Funeral Directors;

Also,

Kerry K. Messer, James D. Cunningham, Jr., Wayne D. Graves, Carol W. Gasser, Roy E. Dameron,

Kristin A. Thomas-Sohl and Derek E. Conard, as members of the Child Abuse and Neglect Review Board;

Also,

Joseph E. Pierle, Debra O. McCaul, Gwendolyn Crimm, Craig D. Frazier, William Dennis Thousand and Laura M. Neal, as members of the MO HealthNet Oversight Committee;

Also,

Kathleen E. Carpenter and Daniel E. Devlin, Democrats, and Richard L. Fordyce and Kathryn J. Braden, Republicans, as members of the State Soil and Water Districts Commission;

Also,

Timothy J. Dorsey, Republican, as a member of the Missouri Fire Education Commission;

Also,

Randy D. Mooney, Republican, as a member of the State Milk Board.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Ridgeway assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 980—Pensions, Veterans' Affairs and General Laws.

SB 981—Agriculture, Conservation, Parks and Natural Resources.

SB 982—Judiciary and Civil and Criminal Jurisprudence.

SB 983—Education.

SB 984—Education.

SB 985—Judiciary and Civil and Criminal Jurisprudence.

SB 986—Small Business, Insurance and Industrial Relations.

SB 987—Health and Mental Health.

SB 988—Ways and Means.

SB 989—Ways and Means.

SB 990—Seniors, Families and Public Health.

SB 991—Pensions, Veterans' Affairs and General Laws.

SB 992—Ways and Means.

SB 993—Pensions, Veterans’ Affairs and General Laws.

SB 994—Pensions, Veterans’ Affairs and General Laws.

SB 995—Education.

SB 996—Small Business, Insurance and Industrial Relations.

SB 997—Pensions, Veterans’ Affairs and General Laws.

SB 998—Judiciary and Civil and Criminal Jurisprudence.

SB 999—Financial and Governmental Organizations and Elections.

SB 1000—Seniors, Families and Public Health.

SB 1001—Economic Development, Tourism and Local Government.

SB 1002—Judiciary and Civil and Criminal Jurisprudence.

SB 1003—Financial and Governmental Organizations and Elections.

SB 1004—Education.

SB 1005—Economic Development, Tourism and Local Government.

SB 1006—Pensions, Veterans’ Affairs and General Laws.

SB 1007—Small Business, Insurance and Industrial Relations.

SB 1008—Small Business, Insurance and Industrial Relations.

SB 1009—Financial and Governmental Organizations and Elections.

SJR 44—Ways and Means.

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, seventh and eighth grade concert band students from John Evans Middle School, Potosi.

Senator Mayer introduced to the Senate, the Physician of the Day, Dr. Kirby Turner, M.D., and Robert E. Christian, Poplar Bluff.

On behalf of Senator Loudon and himself, Senator Gibbons introduced to the Senate, Lt. Joe Laramie, Kirkwood.

Senator Kennedy introduced to the Senate, Russ and Jo Ann Hartley, Oakville.

Senator Shields introduced to the Senate, Captain Frank E. Hunter, Platte City.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, January 28, 2008.

SENATE CALENDAR

TENTH DAY—MONDAY, JANUARY 28, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1010-Nodler	SB 1017-Mayer
SB 1011-Griesheimer	SB 1018-Rupp
SB 1012-Wilson and Coleman	SB 1019-Bray, et al
SB 1013-Wilson and Smith	SB 1020-Bray, et al
SB 1014-Wilson	SB 1021-Loudon, et al
SB 1015-Mayer	SB 1022-Coleman
SB 1016-Mayer	SB 1023-Coleman

HOUSE BILLS ON THIRD READING

HB 2015-Icet (Nodler)	HB 2022-Icet (Nodler)
HB 2021-Icet (Nodler)	

INFORMAL CALENDAR

RESOLUTIONS

SR 1515-Coleman

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Journal of the Senate

SECOND REGULAR SESSION

TENTH DAY—MONDAY, JANUARY 28, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I can do all things through him who strengthens me.” (Philipians 4:13)

Gracious God, there are still many weeks ahead as we start this new one and yet in many ways it doesn’t seem enough time. But Lord we pray that even though the tasks ahead are many and challenges still unfolding that must be addressed we know that with Your help we can accomplish more than without You. So we ask for Your guidance and strength to accomplish what You would desire for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 24, 2008 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator Loudon—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 1582, regarding the Ninety-ninth Birthday of Isadore Rainey, Kennett, which was adopted.

Senator Graham offered Senate Resolution No. 1583, regarding Nanova, Incorporated, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 1584, regarding Eric Michael Raw, which was adopted.

Senator Lager offered Senate Resolution No. 1585, regarding Eli Jacob Hale, Rock Port, which was adopted.

Senator Lager offered Senate Resolution No. 1586, regarding Dakota William Kelsey, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 1587, regarding Ryan Max Allnutt, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 1588, regarding Jace N. Glidewell, Spickard, which was adopted.

Senator Lager offered Senate Resolution No. 1589, regarding the Eightieth Birthday of Jeanne Moyer, Hopkins, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1590, regarding James Clifford “Jay” Seward, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1591, regarding Joshua Aaron Dick, Avondale, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1592, regarding Corey Dylan Jepson, Kansas City, which was adopted.

On behalf of Senator Loudon, Senator Shields offered Senate Resolution No. 1593, regarding Aaron Michael Spence, Ballwin, which was adopted.

Senator Barnitz offered Senate Resolution No. 1594, regarding the One Hundredth Birthday of Ray Hollis, Vienna, which was adopted.

Senator Barnitz offered Senate Resolution No. 1595, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Calvin E. McIntosh, Salem, which was adopted.

Senator Barnitz offered Senate Resolution No. 1596, regarding the One Hundred Sixth Birthday of Vera K. Vieman, Bourbon, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1597, regarding Paris Brothers, Inc., Kansas City, which was adopted.

Senator Vogel offered Senate Resolution No. 1598, regarding ValRich Foods, LLC--La Casita's Homestyle Mexican Foods, Jefferson City, which was adopted.

Senator Stouffer offered Senate Resolution No. 1599, regarding One to Many Solutions, Macon, which was adopted.

Senator Stouffer offered Senate Resolution No. 1600, regarding Midwest Customs, Carrollton, which

was adopted.

Senator Nodler offered Senate Resolution No. 1601, regarding Sign Designs, Joplin, which was adopted.

Senator Clemens offered Senate Resolution No. 1602, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Henry Edward Parks, Fair Grove, which was adopted.

Senator Crowell offered Senate Resolution No. 1603, regarding Jacob Russell Underwood, Scott City, which was adopted.

Senator Crowell offered Senate Resolution No. 1604, regarding Technology and Networking, Incorporated, Cape Girardeau, which was adopted.

Senator Stouffer offered Senate Resolution No. 1605, regarding Andrew Gray, Lexington, which was adopted.

Senator Coleman offered Senate Resolution No. 1606, regarding RoJack, LLC, Saint Louis, which was adopted.

Senator Lager offered Senate Resolution No. 1607, regarding Sean Patrick Ashcraft, Holt, which was adopted.

Senator Lager offered Senate Resolution No. 1608, regarding Jeffrey Allen Saul, Trenton, which was adopted.

CONCURRENT RESOLUTIONS

Senator Justus offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 28

Relating to the ratification of the Equal Rights Amendment to the United States Constitution.

WHEREAS, three years after women won the right to vote, the Equal Rights Amendment to the United States Constitution, authored by Alice Paul, head of the National Women's Party, was introduced in Congress by Senator Curtis and Representative Anthony, both Republicans; and

WHEREAS, the Equal Rights Amendment to the United States Constitution passed the United States Senate and then the United States House of Representatives, and on March 22, 1972, the proposed Amendment to the United States Constitution was sent to the states for ratification; and

WHEREAS, the Equal Rights Amendment to the United States Constitution states:

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification."; and

WHEREAS, Congress placed a deadline of June 30, 1982, on the ratification process and thirty-five states ratified the proposed Amendment before the deadline; and

WHEREAS, Congress may not have the constitutional authority to place a deadline on the ratification process; and

WHEREAS, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed Amendment to the Constitution of the United States; and

WHEREAS, the General Assembly of the State of Missouri finds that the proposed Amendment is meaningful and needed as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed Amendment was first submitted for adoption:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular

Session, the House of Representatives concurring therein, that the Equal Rights Amendment to the United States Constitution is hereby ratified; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Archivist of the United States, Washington, D.C.; the Vice President of the United States; the Speaker of the United States House of Representatives; and each member of the Missouri Congressional Delegation with request that it be printed in the Congressional Record.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1024—By Scott.

An Act to repeal sections 105.711, 226.095, 537.600, and 537.610, RSMo, and to enact in lieu thereof three new sections relating to civil actions against government entities, agents, officers, and employees.

SB 1025—By Scott.

An Act to repeal section 194.119, RSMo, and to enact in lieu thereof one new section relating to the final disposition of a dead human body.

SB 1026—By Scott.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

SB 1027—By Smith.

An Act to repeal section 160.410, RSMo, and to enact in lieu thereof one new section relating to charter schools.

SB 1028—By Justus.

An Act to repeal section 135.805, RSMo, and to enact in lieu thereof one new section relating to reports of certain agencies regarding the utilization of state tax credits.

SB 1029—By Rupp.

An Act to repeal sections 374.202, 374.205, and 374.207, RSMo, and to enact in lieu thereof fifteen new sections relating to the market conduct surveillance act, with penalty provisions.

SB 1030—By Rupp.

An Act to repeal sections 205.920, 291.010, 291.020, 291.030, 291.040, 291.050, 291.060, 291.065, 291.070, 291.080, 291.120, 291.130, 291.140, 291.150, 292.010, 292.020, 292.030, 292.040, 292.050, 292.060, 292.070, 292.080, 292.090, 292.110, 292.120, 292.130, 292.140, 292.150, 292.160, 292.180, 292.190, 292.200, 292.210, 292.220, 292.230, 292.240, 292.250, 292.280, 292.290, 292.300, 292.310, 292.320, 292.330, 292.340, 292.350, 292.360, 292.370, 292.380, 292.390, 292.400, 292.410, 292.420, 292.430, 292.440, 292.450, 292.460, 292.470, 292.480, 292.490, 292.500, 292.510, 292.520, 292.530, 292.540, 292.560, 292.570, 292.600, 292.602, 292.604, 292.605, 292.606, 292.607, 292.610, 292.613, 292.615, 292.617, 292.623, 292.625, 292.630, and 292.650, RSMo, relating to employee health and welfare.

SB 1031—By Koster, Callahan and Justus.

An Act to repeal section 565.153, RSMo, and to enact in lieu thereof one new section relating to parental kidnapping, with penalty provisions.

SB 1032—By Dempsey.

An Act to repeal section 578.023, RSMo, and to enact in lieu thereof one new section relating to dangerous wild animals, with penalty provisions.

SB 1033—By Griesheimer.

An Act to repeal section 49.292, RSMo, and to enact in lieu thereof one new section relating to transfers of real property to counties.

SB 1034—By Mayer.

An Act to repeal section 407.300, RSMo, and to enact in lieu thereof four new sections relating to scrap metal purchases, with penalty provisions.

SB 1035—By Scott.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to civil actions for unlawful merchandising practices.

SB 1036—By Coleman and Engler.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to a tuition grant for children and spouses of veterans killed in combat.

SB 1037—By Shields.

An Act to repeal section 163.011, RSMo, and to enact in lieu thereof one new section relating to state funding for elementary and secondary education.

SB 1038—By Shields.

An Act to repeal sections 130.016, 130.021, and 130.037, RSMo, and section 130.032 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate committee substitute for senate bill no. 16, eighty-ninth general assembly, first regular session, and section 130.032 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof four new sections relating to campaign finance.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 24, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kylee M. Strough, Democrat, 1709 Crescent Drive, Saint Joseph, Buchanan County, Missouri 64506, as a member of the Missouri Western State University Board of Governors, for a term ending October 29, 2013, and until her successor is duly appointed and qualified; vice, Carol Moya, term expired.

Respectfully submitted,

MATT BLUNT

HOUSE BILLS ON THIRD READING

HB 2015, introduced by Representative Icet, entitled:

An Act to appropriate money for supplemental purposes for the Department of Social Services, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2008.

Was taken up by Senator Nodler.

On motion of Senator Nodler, **HB 2015** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Koster	Lager	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Engler Kennedy—2

Absent with leave—Senator Loudon—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 2021, introduced by Representative Icet, entitled:

An Act to appropriate money for supplemental purposes for the Department of Conservation, for the purchase of equipment, and for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, from the funds designated for the fiscal period ending June 30, 2008.

Was taken up by Senator Nodler.

On motion of Senator Nodler, **HB 2021** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Koster	Lager	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Kennedy—1

Absent with leave—Senator Loudon—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 2022, introduced by Representative Icet, entitled:

An Act to appropriate money for supplemental purposes for the Department of Public Safety, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2008.

Was taken up by Senator Nodler.

On motion of Senator Nodler, **HB 2022** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senator Loudon—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1010—Economic Development, Tourism and Local Government.

SB 1011—Economic Development, Tourism and Local Government.

SB 1012—Economic Development, Tourism and Local Government.

SB 1013—Education.

SB 1014—Education.

SB 1015—Health and Mental Health.

SB 1016—Judiciary and Civil and Criminal Jurisprudence.

SB 1017—Education.

SB 1018—Economic Development, Tourism and Local Government.

SB 1019—Judiciary and Civil and Criminal Jurisprudence.

SB 1020—Ways and Means.

SB 1021—Pensions, Veterans' Affairs and General Laws.

SB 1022—Judiciary and Civil and Criminal Jurisprudence.

SB 1023—Education.

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following escort committee pursuant to **HCR 2**: Senators Gibbons, Coleman, Bartle, Goodman, Mayer, Scott, Justus, Callahan, McKenna and Smith.

REFERRALS

President Pro Tem Gibbons referred the gubernatorial appointment to the Committee on Gubernatorial Appointments.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

January 24, 2008

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

Dear Mrs. Spieler:

Please be advised that I have appointed Senator Delbert Scott to the Senate Standing Committee on the Judiciary and Civil and Criminal Jurisprudence.

If you have any questions regarding this matter do not hesitate to contact me.

Thank you.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Karen Kirby and students from Jefferson R-VII School, Jefferson County.

Senator Griesheimer introduced to the Senate, Debbie Door, Kathy Hawkins and Jeanine Stevens, Franklin County; and Darryl Kempf, Cooper County.

The President introduced to the Senate, Cisco Networking Academy.
On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

ELEVENTH DAY—TUESDAY, JANUARY 29, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1024-Scott	SB 1032-Dempsey
SB 1025-Scott	SB 1033-Griesheimer
SB 1026-Scott	SB 1034-Mayer
SB 1027-Smith	SB 1035-Scott
SB 1028-Justus	SB 1036-Coleman and Engler
SB 1029-Rupp	SB 1037-Shields
SB 1030-Rupp	SB 1038-Shields
SB 1031-Koster, et al	

INFORMAL CALENDAR

RESOLUTIONS

SR 1515-Coleman

To be Referred

SCR 28-Justus

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Journal of the Senate

SECOND REGULAR SESSION

ELEVENTH DAY—TUESDAY, JANUARY 29, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“And this is my prayer, that your love may overflow more and more with knowledge and full insight to help you to determine what is best...” (Philipians 1:9-10a)

Almighty God, we know that often our bills reflect what we see needs correction and prevention but we pray that Your love of us and ours for You may be found as the motivating principle and inherent in what we write and pass. We seek the partnership we have as we strive to do the good work You require of us and pray it always produces the very best we have to offer. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Griesheimer assumed the Chair.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator Loudon—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Coleman moved that **SR 1515** be taken up for adoption, which motion prevailed.

Senator Coleman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 1515, as it appears in the Senate Journal for January 15, 2008, Page 87, Line 37 of said journal page, by striking “two-thirds” and inserting in lieu thereof the following: “**three-fifths**”; and

Further amend said resolution, page 88, Line 3 of said journal page, by striking “two-thirds” and inserting in lieu thereof the following: “**three-fifths**”.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Coleman moved that **SR 1515**, as amended, be adopted, which motion failed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman	Days	Graham	Green	Justus
Kennedy	Koster	McKenna	Shoemyer	Smith	Wilson—14		

NAYS—Senators

Bartle	Champion	Clemens	Dempsey	Engler	Gibbons	Goodman	Griesheimer
Lager	Mayer	Nodler	Purgason	Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—18						

Absent—Senators—None

Absent with leave—Senators

Crowell	Loudon—2
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Vacancies—None

CONCURRENT RESOLUTIONS

Senator Mayer offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 29

WHEREAS, the United States Department of Agriculture's National Agricultural Statistics Service collects and publishes information on the prices and inventories of rice; and

WHEREAS, this information is used for estimations of farm income and determinations of government program payments to farmers; and

WHEREAS, it is essential to the rice industry that the estimations of farm income and determinations of government program payments more accurately reflect the current market prices and stocks of rice:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby request that the United States Department of Agriculture's National Agricultural Statistics Service add the dates of June 1 and September 1 as additional reporting dates to the "Agricultural Statistics Board" calendar to more accurately reflect prices and stocks; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this

resolution for the United States Secretary of Agriculture, the United States Department of Agriculture's National Agriculture Statistics Service, and to each member of Missouri's Congressional delegation.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 1039—By Clemens.

An Act to repeal section 190.335, RSMo, and to enact in lieu thereof one new section relating to emergency service boards.

SB 1040—By Clemens.

An Act to repeal section 644.570, as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, and section 644.570, as enacted by house substitute for house committee substitute for senate substitute for senate committee substitute for senate bills nos. 160 & 82, ninetieth general assembly, first regular session, and to enact in lieu thereof one new section relating to storm water control assistance, with a contingent effective date.

SB 1041—By Green.

An Act to repeal section 386.756, RSMo, and to enact in lieu thereof one new section relating to heating, ventilation, and air conditioning (HVAC) services.

SB 1042—By McKenna, Callahan, Green, Engler and Barnitz.

An Act to repeal sections 169.070 and 169.670, RSMo, and to enact in lieu thereof two new sections relating to teacher and school employee retirement systems.

SB 1043—By Ridgeway.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to mandatory health insurance coverage for certain out-of-network chiropractic services.

SB 1044—By Stouffer.

An Act to repeal section 190.094, RSMo, and to enact in lieu thereof one new section relating to ambulance staffing.

SB 1045—By Dempsey.

An Act to repeal section 1.205, RSMo, and to enact in lieu thereof one new section relating to unborn children.

SB 1046—By Mayer.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to employment at-will.

SB 1047—By Vogel, Days and Gibbons.

An Act to repeal section 163.011, RSMo, and to enact in lieu thereof one new section relating to state funding for elementary and secondary education.

SJR 45—By Clemens.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 37 (h) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to storm water control assistance.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 28—Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 2015**, **HB 2021** and **HB 2022**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 1609, regarding Josh Resinger, Shook, which was adopted.

Senator Barnitz offered Senate Resolution No. 1610, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Lloyd Glenn, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 1611, regarding the Missouri University of Science and Technology, Rolla, which was adopted.

Senator Bartle offered Senate Resolution No. 1612, regarding Lytmos Group, LLC, Lee's Summit, which was adopted.

Senator Goodman offered Senate Resolution No. 1613, regarding the Pierce City R-VI School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1614, regarding the Shell Knob School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1615, regarding the Reeds Spring R-IV School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1616, regarding the Mt. Vernon R-V School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1617, regarding the Monett R-I School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1618, regarding the Aurora R-VIII School District,

which was adopted.

Senator Goodman offered Senate Resolution No. 1619, regarding the Branson R-IV School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1620, regarding the Hurley R-I School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1621, regarding the Marionville R-IX School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1622, regarding the Gainesville R-V School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1623, regarding the Kirbyville R-VI School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1624, regarding the Taneyville R-II School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1625, regarding the Thornfield R-I School District, which was adopted.

Senator Crowell offered Senate Resolution No. 1626, regarding Lang Jewelers, which was adopted.

INTRODUCTIONS OF GUESTS

Senator McKenna introduced to the Senate, Jeff Ryan, Pacific; Kelly Shackelford, Mary Cooley and Ken Hollingshead, Arnold.

Senator Days introduced to the Senate, Jorge Riopedre, University City.

Senator Rupp introduced to the Senate, Greg Roebach and Karl Wilson, Wentzville.

Senator Kennedy introduced to the Senate, Gayle Brannan, Jefferson City.

Senator Champion introduced to the Senate, Scott Burns and Cindy Boyd, Washington, D.C.

Senator Wilson introduced to the Senate, Barrett Hatches, Kansas City.

Senator Clemens introduced to the Senate, John Askew and Kris Lancaster, Kansas City.

Senator Bray introduced to the Senate, Dave Grossman, Jamie Kelley, Kari Shepker-Mueller, and students Scott Luntree and Erin Goodenough, Maplewood-Richmond Heights Middle School.

On behalf of Senator Griesheimer, the President introduced to the Senate, the Physician of the Day, Dr. Thomas A. Davis, M.D., Wildwood.

Senator Stouffer introduced to the Senate, Nellie Ogan, Higginsville; Bonnie Seward, Tanya McBee and Mary Martens, Richmond.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWELFTH DAY—WEDNESDAY, JANUARY 30, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1024-Scott	SB 1037-Shields
SB 1025-Scott	SB 1038-Shields
SB 1026-Scott	SB 1039-Clemens
SB 1027-Smith	SB 1040-Clemens
SB 1028-Justus	SB 1041-Green
SB 1029-Rupp	SB 1042-McKenna, et al
SB 1030-Rupp	SB 1043-Ridgeway
SB 1031-Koster, et al	SB 1044-Stouffer
SB 1032-Dempsey	SB 1045-Dempsey
SB 1033-Griesheimer	SB 1046-Mayer
SB 1034-Mayer	SB 1047-Vogel, et al
SB 1035-Scott	SJR 45-Clemens
SB 1036-Coleman and Engler	

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 29-Mayer

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Journal of the Senate

SECOND REGULAR SESSION

TWELFTH DAY—WEDNESDAY, JANUARY 30, 2008

The Senate met pursuant to adjournment.

Senator Ridgeway in the Chair.

Reverend Carl Gauck offered the following prayer:

“He has told you, O mortal, what is good; and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?” (Micah 6:8)

Merciful God, we often ask what it is that You require of us, yet You have told us through Your prophet Micah. And so we ask that You assist us in all we do which is required of us to ensure justice for all Your people and love kindness in all our interactions with one another and be about those who need help and that we find time to walk quietly and humbly with You in our meditation and devotions. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator Loudon—1

Vacancies—None

RESOLUTIONS

Senator Lager offered Senate Resolution No. 1627, regarding Dylan Robinson, Trenton, which was

adopted.

Senator Lager offered Senate Resolution No. 1628, regarding Zane Robinson, Trenton, which was adopted.

Senator Smith offered Senate Resolution No. 1629, regarding LaBarge Products, Incorporated, Saint Louis, which was adopted.

Senator Purgason offered Senate Resolution No. 1630, regarding Aimee Lynn Hays, which was adopted.

Senator Rupp offered Senate Resolution No. 1631, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. Steve Fortner, St. Peters, which was adopted.

Senator Rupp offered Senate Resolution No. 1632, regarding the Ninety-fifth Birthday of Marie Borgelt, St. Charles, which was adopted.

Senator Rupp offered Senate Resolution No. 1633, regarding Janet Marie Eubanks, which was adopted.

Senator Rupp offered Senate Resolution No. 1634, regarding Elaine Marie Eversgerd, which was adopted.

Senator Rupp offered Senate Resolution No. 1635, regarding David Mathys, which was adopted.

Senator Rupp offered Senate Resolution No. 1636, regarding Shelly Jean Grimshaw, which was adopted.

Senator Rupp offered Senate Resolution No. 1637, regarding Donna Gay Phillips, which was adopted.

Senator Rupp offered Senate Resolution No. 1638, regarding Jennifer Sue Miller, which was adopted.

Senator Rupp offered Senate Resolution No. 1639, regarding the Fifty-third Wedding Anniversary of Mr. and Mrs. Kenneth Molitor, O'Fallon, which was adopted.

Senator Gibbons offered Senate Resolution No. 1640, regarding Michael Ross Sneed, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 1641, regarding Christopher Michael Lewandowski, Manchester, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1642, regarding Katie Walker, Hannibal, which was adopted.

Senator Goodman offered Senate Resolution No. 1643, regarding Michael Kean, Monett, which was adopted.

Senator Green offered Senate Resolution No. 1644, regarding the Florissant Valley Theatre of the Deaf, which was adopted.

Senator Green offered Senate Resolution No. 1645, regarding Daniel J. Castro, which was adopted.

Senator Shields offered Senate Resolution No. 1646, regarding KFEQ 680 AM radio, Saint Joseph,

which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1048—By Kennedy.

An Act to repeal sections 417.011, 417.016, 417.018, 417.026, 417.031, and 417.046, RSMo, and to enact in lieu thereof seven new sections relating to trademark registrations.

SB 1049—By Kennedy.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales tax exemption for purchases of tangible personal property used in aircraft maintenance.

SB 1050—By Crowell.

An Act to amend chapter 537, RSMo, by adding thereto six new sections relating to the asbestos and silica claims priorities act.

SB 1051—By Crowell.

An Act to repeal sections 197.305 and 197.318, RSMo, and to enact in lieu thereof three new sections relating to certificate of need review for certain long-term care facilities.

SB 1052—By Rupp.

An Act to repeal sections 160.534, 313.805, 313.812, and 313.835, RSMo, and to enact in lieu thereof six new sections relating to the use of licensed gaming revenues.

SB 1053—By Dempsey.

An Act to amend chapter 577, RSMo, by adding thereto one new section relating to assessment of certain penalties on intoxication-related traffic offenses, with penalty provisions.

SB 1054—By Dempsey.

An Act to repeal sections 167.031, 211.021, 211.033, 211.041, 211.061, 211.071, 211.091, 211.101, 211.161, and 565.084, RSMo, and to enact in lieu thereof ten new sections relating to juvenile courts, with penalty provisions.

SB 1055—By Goodman.

An Act to repeal sections 303.400, 303.403, 303.406, 303.409, 303.412, and 303.415, RSMo, and to enact in lieu thereof five new sections relating to the reinstatement of the motorist insurance identification database program, with penalty provisions.

SB 1056—By Justus and Bray.

An Act to repeal section 215.020, RSMo, and to enact in lieu thereof one new section relating to membership of the Missouri Housing Development Commission.

SB 1057—By Scott.

An Act to repeal sections 238.207 and 238.210, RSMo, and to enact in lieu thereof two new sections relating to transportation development districts.

SB 1058—By Mayer.

An Act to repeal section 188.027, RSMo, and to enact in lieu thereof five new sections relating to abortion, with penalty provisions.

Senator Dempsey requested unanimous consent of the Senate to withdraw **SB 1045**, which request was granted.

REFERRALS

President Pro Tem Gibbons referred **SCR 29** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1024—Judiciary and Civil and Criminal Jurisprudence.

SB 1025—Judiciary and Civil and Criminal Jurisprudence.

SB 1026—Transportation.

SB 1027—Education.

SB 1028—Ways and Means.

SB 1029—Small Business, Insurance and Industrial Relations.

SB 1030—Small Business, Insurance and Industrial Relations.

SB 1031—Judiciary and Civil and Criminal Jurisprudence.

SB 1032—Agriculture, Conservation, Parks and Natural Resources.

SB 1033—Economic Development, Tourism and Local Government.

SB 1034—Judiciary and Civil and Criminal Jurisprudence.

SB 1035—Judiciary and Civil and Criminal Jurisprudence.

SB 1036—Pensions, Veterans' Affairs and General Laws.

SB 1037—Education.

SB 1038—Financial and Governmental Organizations and Elections.

INTRODUCTIONS OF GUESTS

Senator Koster introduced to the Senate, the Physician of the Day, Dr. Curtis Long, M.D., Butler.

Senator Nodler introduced to the Senate, John Hipple and Denise Neely, Joplin.

Senator Crowell introduced to the Senate, Principal Neal Glass, Chaffee High School; and Principals from Southeast Missouri.

Senator Kennedy introduced to the Senate, Kirsten Williams, New Orleans, Louisiana.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTEENTH DAY—THURSDAY, JANUARY 31, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1039-Clemens	SB 1050-Crowell
SB 1040-Clemens	SB 1051-Crowell
SB 1041-Green	SB 1052-Rupp
SB 1042-McKenna, et al	SB 1053-Dempsey
SB 1043-Ridgeway	SB 1054-Dempsey
SB 1044-Stouffer	SB 1055-Goodman
SB 1046-Mayer	SB 1056-Justus and Bray
SB 1047-Vogel, et al	SB 1057-Scott
SB 1048-Kennedy	SB 1058-Mayer
SB 1049-Kennedy	SJR 45-Clemens

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Journal of the Senate

SECOND REGULAR SESSION

THIRTEENTH DAY—THURSDAY, JANUARY 31, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“For whoever finds me finds life and obtains favor from the Lord;” (Proverbs 8:35)

Heavenly Father, we come to an end of our week here and now return to those You have given us. In every interaction we have and every word we hear and read let us find wisdom in living life as You require. Let that wisdom lead us to loving actions and deeds and may all we do find favor in Your sight. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Mayer	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

Absent—Senators—None

Absent with leave—Senators

Clemens Loudon McKenna—3

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 1647, regarding James A. Rust, Cape Girardeau, which was adopted.

On behalf of Senator Clemens, Senator Shields offered Senate Resolution No. 1648, regarding Kaitlyn Treece, Ozark, which was adopted.

Senator Champion offered Senate Resolution No. 1649, regarding Jean Twitty, Springfield, which was adopted.

Senator Graham offered Senate Resolution No. 1650, regarding Penelope L. Fadler, Hallsville, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1651, regarding Taran Ray Winnie, Kearney, which was adopted.

Senator Kennedy offered Senate Resolution No. 1652, regarding Katherine K. “Katie” Wesselschmidt, Saint Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1653, regarding Frankie Muse Freeman, Esquire, St. Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 1654, regarding MicKayla Nilges, Lawson, which was adopted.

Senator Stouffer offered Senate Resolution No. 1655, regarding Aidyn Mary O’Daniel, Carbondale, Illinois, which was adopted.

Senator Stouffer offered Senate Resolution No. 1656, regarding the Class 2 State Champion Lawson High School Football Cardinals, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1059—By Engler.

An Act to repeal sections 339.100, 339.532, 339.549, 443.809, 443.810, 443.891, and 621.045, RSMo, and to enact in lieu thereof twelve new sections relating to mortgage fraud, with penalty provisions.

SB 1060—By Engler.

An Act to repeal sections 168.104, 168.114, 168.116, 168.118, 168.120, and 168.221, RSMo, and to enact in lieu thereof six new sections relating to public school teachers.

SB 1061—By Barnitz.

An Act to amend chapter 58, RSMo, by adding thereto one new section relating to the registration of coroners and their assistants.

SB 1062—By Barnitz, Shoemyer, Clemens, McKenna, Smith, Coleman, Graham, Engler, Bray, Justus, Green, Days, Griesheimer, Kennedy, Koster, Purgason, Gibbons, Goodman, Nodler and Callahan.

An Act to repeal sections 28.160, 41.950, 347.179, 351.047, 351.120, 351.125, 351.127, 351.145, 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071,

355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, and 356.211, RSMo, and to enact in lieu thereof thirty new sections relating to corporate filings with the secretary of state.

SB 1063—By Koster.

An Act to repeal sections 57.280, 195.202, 195.211, 195.417, 488.435, and 568.045, RSMo, and to enact in lieu thereof sixteen new sections relating to the Missouri methamphetamine project, with penalty provisions and an effective date for certain sections.

SB 1064—By Dempsey.

An Act to repeal section 143.161, RSMo, and to enact in lieu thereof one new section relating to Missouri dependency exemptions.

SB 1065—By Bartle.

An Act to repeal sections 306.125 and 306.903, RSMo, and to enact in lieu thereof two new sections relating to watercraft safety, with penalty provisions.

SB 1066—By Ridgeway, Shields, Callahan, Mayer and Smith.

An Act to repeal section 168.021, RSMo, and to enact in lieu thereof one new section relating solely to teacher certification.

SB 1067—By Ridgeway, Clemens, Scott, Shoemyer, Purgason, Crowell, Griesheimer, Callahan, Barnitz, Mayer, Engler and Vogel.

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear for operation of motorcycles or motortricycles, with penalty provisions.

SB 1068—By Mayer.

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to the pharmacy rebates fund.

SB 1069—By Coleman.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax exemption for certain federal tax rebates, with an emergency clause.

SB 1070—By Kennedy and Graham.

An Act to repeal section 84.120, RSMo, and to enact in lieu thereof one new section relating to physical assessment of certain police officers.

SB 1071—By Smith.

An Act to repeal section 130.046, RSMo, and to enact in lieu thereof nine new sections relating to public financing of elections, with penalty provisions.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that

the Senate do give its advice and consent to the following:

James M. Lakenan, III, and James D. Palmer, as members of the Seismic Safety Commission;

Also,

Samuel M. Hunter and Ben A. “Todd” Parnell, Democrats, as members of the Clean Water Commission;

Also,

Stephen C. Bradford, Heidi B. Miller and Shawn P. Griffin, as members of the MO HealthNet Oversight Committee;

Also,

Karlton B. Nash, Arthur R. Higgins, Curtis P. Wall, John A. Buchanan, Kenneth J. Schmidt, Larry L. Butler and Glen R. Kolkmeier, as members of the Missouri Propane Gas Commission;

Also,

David L. Vlach, as a member of the Mental Health Commission;

Also,

Christopher S. Stigall, as a member of the Amber Alert System Oversight Committee;

Also,

Lydia H. McEvoy, Julie A. Robinson, Kathleen Y. Hampton and Richard B. Hicks, as members of the Child Abuse and Neglect Review Board;

Also,

Joseph V. Knodell, Republican, as a member of the Board of Probation and Parole;

Also,

Mary Anne Brown, Republican, as a member of the State Board of Senior Services;

Also,

John P. Orr, Democrat, as a member of the Elevator Safety Board;

Also,

Doris J. Carter, as a member of the Coordinating Board for Higher Education;

Also,

Mark R. Edwards and Jennifer M. Charleston, as members of the Peace Officer Standards and Training Commission;

Also,

Robert J. Weber, as a member of the Board of Boiler and Pressure Vessel Rules;

Also,

Richard A. Walter, Independent, as a member of the Missouri Southern State University Board of Governors;

Also,

Anton H. Luetkemeyer, as student representative of the University of Missouri Board of Curators;

Also,

Omar D. Davis, as the Director of the Department of Revenue;

Also,

Richard “Rick” Sullivan, Jr., as Chief Executive Officer of the Transitional School District of Saint Louis City;

Also,

John C. Hilton, as a member of the Truman State University Board of Governors;

Also,

James R. Asahl, as a member of the Advisory Committee for 911 Service Oversight.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion, which request was denied.

Senator Engler assumed the Chair.

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of James M. Lakenan, III, as a member of the Seismic Safety Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Crowell moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Samuel M. Hunter, Democrat, as a member of the Clean Water Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Crowell moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment.

At the request of Senator Crowell, the above motion was withdrawn.

Senator Gibbons requested unanimous consent of the Senate to have the balance of the committee reports returned to the Committee on Gubernatorial Appointments, which request was granted.

Senator Ridgeway assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 1039—Economic Development, Tourism and Local Government.

SB 1040—Agriculture, Conservation, Parks and Natural Resources.

- SB 1041**—Commerce, Energy and the Environment.
SB 1042—Pensions, Veterans' Affairs and General Laws.
SB 1043—Health and Mental Health.
SB 1044—Economic Development, Tourism and Local Government.
SB 1046—Pensions, Veterans' Affairs and General Laws.
SB 1047—Education.
SB 1048—Commerce, Energy and the Environment.
SB 1049—Ways and Means.
SB 1050—Judiciary and Civil and Criminal Jurisprudence.
SB 1051—Seniors, Families and Public Health.
SB 1052—Ways and Means.
SB 1053—Judiciary and Civil and Criminal Jurisprudence.
SB 1054—Judiciary and Civil and Criminal Jurisprudence.
SB 1055—Small Business, Insurance and Industrial Relations.
SB 1056—Financial and Governmental Organizations and Elections.
SB 1057—Transportation.
SB 1058—Judiciary and Civil and Criminal Jurisprudence.
SJR 45—Agriculture, Conservation, Parks and Natural Resources.

COMMUNICATIONS

Senator Shields submitted the following:

January 31, 2008
Ms. Terry Spieler
Secretary of the Senate
State Capitol, Office 325
Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee has previously approved the 94th General Assembly's Senate Majority Caucus.

Please add the following member to the caucus:

- Senator Tom Dempsey

Sincerely,
/s/ Charlie
Charlie Shields

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, February 4, 2008.

SENATE CALENDAR

FOURTEENTH DAY—MONDAY, FEBRUARY 4, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1059-Engler
SB 1060-Engler
SB 1061-Barnitz
SB 1062-Barnitz, et al
SB 1063-Koster
SB 1064-Dempsey
SB 1065-Bartle

SB 1066-Ridgeway, et al
SB 1067-Ridgeway, et al
SB 1068-Mayer
SB 1069-Coleman
SB 1070-Kennedy and Graham
SB 1071-Smith

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Journal of the Senate

SECOND REGULAR SESSION

FOURTEENTH DAY—MONDAY, FEBRUARY 4, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Our hearts are made for you and they will not rest until they rest in you.” (Augustine of Hippo Confessions)

Wondrous God, we begin a new month whose symbol is the heart and we pray for hearts that are satisfied with doing Your will and serving Your people. We pray for hearts that extend compassion to those in need and hearts that are healthy to be able to do the work You have for us to do; and loving hearts giving love and accepting it from others who love us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 31, 2008 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator Champion—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 1657, regarding the Sixtieth Birthday of Charle Ware, Aurora, which was adopted.

Senator Purgason offered Senate Resolution No. 1658, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Chandler, Linn Creek, which was adopted.

Senator Coleman offered Senate Resolution No. 1659, regarding Alouisa Thames, Kirkwood, which was adopted.

Senator Coleman offered Senate Resolution No. 1660, regarding Elaine Femmer, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1661, regarding Lauren McIntosh, Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 1662, regarding Lauren Miller, Chesterfield, which was adopted.

Senator Coleman offered Senate Resolution No. 1663, regarding Danica Diamond, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 1664, regarding Beth Ann Enloe, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1665, regarding Kirsten Siegel, Manchester, which was adopted.

Senator Coleman offered Senate Resolution No. 1666, regarding Lauren Michelle Grzina, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 1667, regarding Ashley Erlinger, House Springs, which was adopted.

Senator Coleman offered Senate Resolution No. 1668, regarding Katie Nebel, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 1669, regarding Leah Marie Younkin, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1670, regarding Melissa Parks, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1671, regarding Shannon Herold, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1672, regarding Jessica Nicole Bernstetter, Defiance, which was adopted.

Senator Coleman offered Senate Resolution No. 1673, regarding Jennifer Boehm, Ellisville, which was adopted.

Senator Coleman offered Senate Resolution No. 1674, regarding Aja Lyonfields, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 1675, regarding Kaitlyn Gunkel, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 1676, regarding Gena Bleyer, Chesterfield, which was adopted.

Senator Coleman offered Senate Resolution No. 1677, regarding Erin Patrick, Arnold, which was adopted.

Senator Coleman offered Senate Resolution No. 1678, regarding Rachael Elizabeth Darron, Fenton, which was adopted.

Senator Coleman offered Senate Resolution No. 1679, regarding Lindsay Edwards, Chesterfield, which was adopted.

Senator Coleman offered Senate Resolution No. 1680, regarding Brittani Burton, Bridgeton, which was adopted.

Senator Coleman offered Senate Resolution No. 1681, regarding Julia Ariel Brunais, Dittmer, which was adopted.

Senator Coleman offered Senate Resolution No. 1682, regarding Lorin Jaeger, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1683, regarding Victoria Lynn Hezel, St. Ann, which was adopted.

Senator Coleman offered Senate Resolution No. 1684, regarding Angela Tornatore, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1685, regarding Kaylee Ann Bassett, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 1686, regarding Emma Odenwald, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1687, regarding Rebecca Hilsher, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1688, regarding Nicole Meyer, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1689, regarding Sarah Rosenkoetter, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 1690, regarding Laura Gibbons, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1691, regarding Michelle Hanlon, O'Fallon, which was adopted.

Senator Coleman offered Senate Resolution No. 1692, regarding Jacqueline Valli, Bridgeton, which was adopted.

Senator Coleman offered Senate Resolution No. 1693, regarding Callie Schimmel, St. Peters, which

was adopted.

Senator Coleman offered Senate Resolution No. 1694, regarding Danielle Zemmell, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1695, regarding Christina Anne Scudder, Kirksville, which was adopted.

On behalf of Senator Champion, Senator Shields offered Senate Resolution No. 1696, regarding Christopher Nelson, Springfield, which was adopted.

Senators Bray and Coleman offered Senate Resolution No. 1697, regarding Peter D. George, Sr., University City, which was adopted.

Senator Mayer offered Senate Resolution No. 1698, regarding the Malden High School track and field program, which was adopted.

Senator Mayer offered Senate Resolution No. 1699, regarding Samantha Green, Malden, which was adopted.

Senator Mayer offered Senate Resolution No. 1700, regarding the Malden High School Beta Club Group Talent students, which was adopted.

Senator Mayer offered Senate Resolution No. 1701, regarding the Malden High School Beta Club competitors, which was adopted.

Senator Scott offered Senate Resolution No. 1702, regarding the Shiloh Tabernacle Restoration and Preservation Group, Quincy, which was adopted.

Senator Vogel offered Senate Resolution No. 1703, regarding Steve A. Brown, Jefferson City, which was adopted.

Senator Barnitz offered Senate Resolution No. 1704, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Melvin L. “Chip” Block, Montgomery City, which was adopted.

Senator Loudon offered Senate Resolution No. 1705, regarding Joe V. Lee, Chesterfield, which was adopted.

Senator Mayer offered Senate Resolution No. 1706, regarding the Seventy-fifth Birthday of Willie Mae Pulliam, Kennett, which was adopted.

Senator Loudon offered Senate Resolution No. 1707, regarding Erika Nicholle Garcia, Chesterfield, which was adopted.

On behalf of Senator Champion, Senator Shields offered Senate Resolution No. 1708, regarding the Matt Miller Company, which was adopted.

Senator Gibbons offered Senate Resolution No. 1709, regarding James Daniel Burke, Ballwin, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1710, regarding John W. Littlefield, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1711, regarding Charlene Braun, Crestwood, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1712, regarding Alwal B. “Al” Moore, Sunset Hills, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1713, regarding Jerre May, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1714, regarding Carol Wagner, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1715, regarding Bess Wilfong, Kirkwood, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1716, regarding Amy Richards, which was adopted.

Senator Purgason offered Senate Resolution No. 1717, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Omer Candler, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 1718, regarding the One Hundred Third Birthday of Mayme Blickensderfer, Lebanon, which was adopted.

Senator Clemens offered Senate Resolution No. 1719, regarding Anita Dawn Young, Nixa, which was adopted.

Senator Clemens offered Senate Resolution No. 1720, regarding Krista V. Wilson, Nixa, which was adopted.

Senator Clemens offered Senate Resolution No. 1721, regarding Linda Marie Noble, Nixa, which was adopted.

Senator Bartle offered Senate Resolution No. 1722, regarding Mary Lynn Mars Tolle, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1723, regarding Sue Moore, Bowling Green, which was adopted.

Senator Mayer offered Senate Resolution No. 1724, regarding Dwight Thompson, which was adopted.

Senator Clemens offered Senate Resolution No. 1725, regarding Edward Hosier, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1072—By Rupp.

An Act to repeal sections 160.400 and 160.410, RSMo, and to enact in lieu thereof two new sections relating to charter schools.

SB 1073—By Dempsey.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a sales and use tax exemption for the sale of certain defense articles sold to foreign governments.

SB 1074—By Dempsey.

An Act to repeal section 429.015, RSMo, and to enact in lieu thereof one new section relating to liens

for architects, professional engineers, land surveyors, and landscape architects.

SB 1075—By Engler.

An Act to repeal section 537.327, RSMo, and to enact in lieu thereof one new section relating to immunity from liability for outfitters of watercraft.

SB 1076—By Engler.

An Act to repeal section 537.294, RSMo, and to enact in lieu thereof one new section relating to firearm ranges and hunting preserves.

SB 1077—By Goodman.

An Act to repeal section 434.100, RSMo, and to enact in lieu thereof one new section relating to the treatment of indemnification and hold harmless clauses within construction work contracts.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 1, 2008

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David J. Bywater, Democrat, 1019 NE 92nd Court, Kansas City, Clay County, Missouri 64155, as a member of the Amusement Ride Safety Board, for a term ending April, 17, 2010, and until his successor is duly appointed and qualified; vice, Hugh Mills, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 1, 2008

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William M. Cohen, 13362 Pointe Conway Road, Saint Louis, Saint Louis County, Missouri 63141, as a member of the Missouri Dental Board, for a term ending October 16, 2012, and until his successor is duly appointed and qualified; vice, John Sheets, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 1, 2008

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mark J. Collom, Democrat, 68 Shadow Ridge Drive, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 2009, and until his successor is duly appointed and qualified; vice, Norma Stack, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 1, 2008

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael R. Covington, 6305 South Old Village Road, Columbia, Boone County, Missouri 65203, as a member of the Amber Alert System Oversight Committee, for a term ending October 20, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 1, 2008

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Todd H. Epsten, 48 Westmoreland Place, Saint Louis City, Missouri 63108, as a member of the Saint Louis City Board of Police Commissioners, for a term ending January 31, 2012, and until his successor is duly appointed and qualified; vice, Jo Ann Freeman, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 1, 2008

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William F. Horn, Jr., 36500 East Steinhauser, Sibley, Jackson County, Missouri 64088, as a member of the Missouri Planning Council on Developmental Disabilities for a term ending June 20, 2009 and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 1, 2008

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David A. Johnson, 301 North Walnut Street, Apartment E, Dexter, Stoddard County, Missouri 63841, as a member of the State Blasting Safety Board, for a term ending January 15, 2014, and until his successor is duly appointed and qualified; vice, RSMo 319.324.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 1, 2008

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jennifer L. Kneib, 2440 River Ridge Road, Saint Joseph, Buchanan County, Missouri 64507, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2012, and until her successor is duly appointed and qualified; vice, John Greer, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 1, 2008

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William J. Luetkenhaus, Democrat, 742 Hancock Road, Wentzville, Saint Charles County, Missouri 63385, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 1, 2008

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Susan C. Phillips, 7713 North Lucerne Court, Kansas City, Platte County, Missouri 64151, as a member of the Child Abuse and Neglect

Review Board, for a term ending April 7, 2010, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 1, 2008

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jerome Taylor, Republican, 801 Happy Hollow, Columbia, Boone County, Missouri 65203, as a member of the Missouri Alternative Fuels Commission, for a term ending March 25, 2010, and until his successor is duly appointed and qualified; vice, Bernal Bailey, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 1, 2008

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gary F. Toelke, 34 Edwards Circle, Union, Franklin County, Missouri 63084, as a member of the Amber Alert System Oversight Committee, for a term ending October 20, 2011, and until his successor is duly appointed and qualified; vice, Oliver Boyer, term expired.

Respectfully submitted,
MATT BLUNT

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Shawn P. Griffin, as a member of the MO HealthNet Oversight Committee, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Shields moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Griesheimer assumed the Chair.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Heidi B. Miller, as a member of the MO HealthNet Oversight Committee, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said

appointment.

Senator Days moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Stephen C. Bradford, as a member of the MO HealthNet Oversight Committee, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Crowell moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1059—Commerce, Energy and the Environment.

SB 1060—Education.

SB 1061—Financial and Governmental Organizations and Elections.

SB 1062—Judiciary and Civil and Criminal Jurisprudence.

SB 1063—Pensions, Veterans' Affairs and General Laws.

SB 1064—Ways and Means.

SB 1065—Judiciary and Civil and Criminal Jurisprudence.

SB 1066—Education.

SB 1067—Transportation.

SB 1068—Health and Mental Health.

SB 1069—Ways and Means.

SB 1070—Economic Development, Tourism and Local Government.

SB 1071—Financial and Governmental Organizations and Elections.

REFERRALS

President Pro Tem Gibbons referred the Gubernatorial Appointments to the Committee on Gubernatorial Appointments.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTEENTH DAY—TUESDAY, FEBRUARY 5, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1072-Rupp
SB 1073-Dempsey
SB 1074-Dempsey

SB 1075-Engler
SB 1076-Engler
SB 1077-Goodman

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Journal of the Senate

SECOND REGULAR SESSION

FIFTEENTH DAY—TUESDAY, FEBRUARY 5, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“No personal considerations should stand in the way of performing a public duty.” (Ulysses S. Grant, 1875)

Lord God, we thank You that You love us and that You allow us the opportunity to do our duties as we are called to perform them, whether they be casting our vote or hearing legal concerns or deriving just laws for the betterment of our people. Grant us wisdom and knowledge that surrenders to Your will. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator Champion—1

Vacancies—None

The Lieutenant Governor was present.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Escort committee to act with a like committee from the Senate pursuant to **HCR 2**. Representatives: Cunningham (86), Wright, Scharnhorst, Kelly, Dethrow, Yaeger, Bringer, Zweifel, Donnelly and Page.

Senator Shields moved that the Senate recess to repair to the House of Representatives to receive the State of the Judiciary Address from the Chief Justice of the Supreme Court, the Honorable Laura Denvir Stith, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Kinder.

On roll call the following Senators were present:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

Absent—Senators

Dempsey Koster—2

Absent with leave—Senator Champion—1

Vacancies—None

On roll call the following Representatives were present:

Present—Representatives

Aull	Baker 123	Bivens	Bowman	Brandom	Bringer	Brown 30	Brown 50
Bruns	Burnett	Casey	Cooper 155	Corcoran	Cox	Cunningham 145	Cunningham 86
Curls	Darrough	Daus	Davis	Day	Deeken	Denison	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	Emery	Ervin	Faith	Fallert
Fares	Fisher	Flook	Frame	Franz	Funderburk	Grill	Grisamore
Guest	Harris 110	Hobbs	Hodges	Hughes	Ice	Jones 89	Jones 117
Kelly	Kingery	Komo	Kraus	Kuessner	Lampe	Lembke	LeVota
Liese	Lipke	Loehner	Low 39	Lowe 44	Marsh	May	McGhee
Meadows	Meiners	Moore	Munzlinger	Muschany	Nance	Nasheed	Nolte
Norr	Oxford	Page	Parson	Pearce	Pollock	Portwood	Pratt
Quinn 7	Quinn 9	Richard	Robb	Robinson	Rucker	Ruzicka	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer	Schlottach	Schneider
Schoeller	Schoemehl	Self	Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	St. Onge	Stream	Sutherland	Swinger	Thomson	Threlkeld

Tilley	Todd	Viebrock	Villa	Vogt	Wallace	Walsh	Walton
Wells	Weter	Whorton	Wilson 119	Wilson 130	Witte	Wood	Wright 159
Wright-Jones	Yaeger	Yates	Young	Zimmerman	Zweifel	Mr Speaker—134	

Nays —Representatives

Avery	George	Talboy—3
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Absent and Absent with Leave—Representatives

Baker (25)	Bland	Chappelle-Nadal	Cooper (120)	El-Amin	Harris (23)	Haywood	Holsman
Hoskins	Hubbard	Hunter	Johnson	McClanahan	Nieves	Onder	Roorda
Ruestman	Salva	Storch	Wasson	Wildberger—21			

Vacancies—5

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Laura Denvir Stith, escorted the Chief Justice to the dais where she delivered the State of the Judiciary Address to the Joint Assembly:

2008 STATE OF THE JUDICIARY ADDRESS

CHIEF JUSTICE LAURA DENVIR STITH

President Kinder, President Pro Tem Gibbons, Speaker Pro Tem Pratt, statewide elected officials, members of the General Assembly, members of the cabinet, my fellow Supreme Court judges, honored guests and fellow citizens:

Thank you for your warm welcome. I am truly honored to be here. When I began my legal career nearly 30 years ago as a Supreme Court law clerk, I had no idea that one day I would have the opportunity to come before this honored assembly, as the state's second female chief justice, to deliver Missouri's 35th state of the judiciary address.

When I began my career, there were no female appellate or Supreme Court judges in Missouri and very few elsewhere. But now, for the first time in Missouri's history, we have three women on the Supreme Court. I thank Governor Matt Blunt for his appointment of Judge Patricia Breckenridge to the Court.

Courts and judges make a positive impact on Missouri's communities

Like many of you, Judge Breckenridge is a true public servant. Over the past nine years, she has mentored five Kansas City children who, under her guidance, have become thriving teenagers looking forward to a promising future. Such efforts are the norm in the judiciary. Just a few weeks ago, for example, the judges and staff of the Western District appeals court finished a food drive that will feed nearly 400 needy families in the Kansas City area.

I tell you about these activities for two reasons. First, we are proud of the community involvement and personal contributions of our judges. Second, a review of these activities affirms that, just as you legislators are well-known for your civic participation at all levels, so too are the vast majority of our judges. They are in the same civic groups as you; they work to make a difference in their communities, like you; and, like you, judges and court staff make a positive impact on their communities through the performance of their official duties.

Just last month, for example, Jackson County received national honors for its family court probation and aftercare services. This program has reduced the recidivism rate drastically; now only 4 percent of its youth are referred back to the family court within six months.

Across the state, in the city of St. Louis, Judge Jimmie Edwards has reorganized the juvenile court so effectively that most felony offenses are processed within five weeks and misdemeanors within two weeks. This gets juvenile offenders off the streets, out of detention centers and into rehabilitative services sooner. It also has reduced the city's juvenile detention population by about a third, saving precious resources.

Judge Mary Sheffield and the 25th circuit in south-central Missouri – along with Judge Rick Zerr and the 11th circuit in St. Charles County – are piloting what we hope will become a statewide model for family courts. This enhanced "unified family court" system assigns a single judge to a particular family, which diminishes the likelihood of fragmented and inconsistent court results and reduces the time families have to spend in court. This new unified family court system will make a real difference in the lives of your constituents.

Drug courts are important for Missourians

Programs like these demonstrate how hard-working court professionals can turn around young lives and keep families together. Drug courts, also, are helping urban and rural communities throughout the state reap similar benefits. Since they were established in Missouri 15 years ago through bipartisan efforts, our drug courts have graduated more than 6,200 individuals. An incredible 90 percent of these never return to our criminal justice system! I thank my colleague, Judge Ray Price, for his instrumental role in the development and oversight of these courts as chairman of Missouri's statewide drug court commission. In fact, the reason he is unable to be with us today is that he is in Washington, D.C., attending a board meeting of the National Association of Drug Court Professionals.

I encourage all of you to attend a local drug court graduation – it's an amazing experience. In Stone County, for example, one graduate went from having no place to live, no relationship with his two sons, no job and spending his time committing crimes and his money on drugs to having a solid marriage, running a masonry business and coaching his son's football team.

His story is echoed in the experiences of many of our drug court graduates. We have a number of recent graduates here today, along with some of our drug court staff and judges, and I invite them to stand and be recognized for their achievements.

These are the types of outcomes that timely and effective court intervention creates all across Missouri. Keeping offenders out of prison allows them to remain in the workforce and their families to stay intact. In fact, our juvenile courts have been able to place 120 children back in their natural homes after a parent graduated from drug court. The success of our drug courts even affects the next generation of Missourians, as more than 325 drug-free babies have been born to female drug-court participants! And as I'm sure you are aware, protecting our unborn children from the ravages of drugs saves the state literally tens of thousands of dollars per child and gives every child a chance at a better life.

Alcohol abuse, like drug abuse, can ruin lives. Missouri has had the foresight to establish DWI courts as part of its drug court programs. The Greene County DWI court recently was one of only four such courts nationwide to be honored as a model court for its work in turning around repeat DWI offenders. Of its 143 graduates since 2003, only *four* have been convicted of subsequent DWIs.

As the Springfield News-Leader recently noted, expanded funding of the proven, cost-effective services offered by such courts will reduce the impact of substance abuse in Missouri. At any given time, our 108 drug courts are working with more than 3,200 offenders – that's approximately equal to the population of two state prisons Missouri has not had to build. This money-saving investment in our drug courts really is an investment in a positive future for Missourians. And all drug court funds go directly to treatment services for your constituents in your communities.

Courts have a positive impact on the state's economy

These are only a few of the many positive effects of Missouri's courts. The next time you visit your local courthouse, I encourage you to meet the skilled court professionals working there. Nearly half of the judiciary's general revenue budget pays for these court clerks, court reporters, juvenile officers and other vital court staff. These *are* your constituents, and they *serve* your constituents every day.

Investing in these people makes fiscal sense, too, because Missouri's courts help buoy the state economy. At an annual cost of slightly more than \$164 million in general revenue, our courts last year produced a positive economic impact of more than twice that amount – approximately \$395 million in damages, offsets, fines, fees and costs. Much of that money went to local schools and county governments and other government funds. In other words, we courts do our share in contributing to the state's bottom line.

We are managing the courts' resources more efficiently

Part of doing our share also means managing court resources as efficiently as possible. Before last year, the courts had only incomplete information to give in response to legislative inquiries whether additional judges were needed and, if so, where. To assist you better, we asked the nation's expert in judicial weighted workloads to study our trial courts. Its results show we need more judges. We are not asking you, however, to fund all the additional judges now – we know this is not the right time.

But the study shows where the need for additional judges is the most urgent, where justice for citizens may be delayed as a result of such shortages – including Greene, Jackson, St. Charles and St. Louis counties, among others. Armed with the facts and figures this study provides, you will be well-equipped to make informed decisions about where it is most critical to add judges throughout the state, as funds become available.

In the meantime, we are taking proactive steps, based on information in the study, to use our judicial resources more wisely. As one example, we are initiating improvements in our judge transfer program. Judges sometimes are transferred into another circuit to help cover for an illness or other temporary absence, but many other transfers help overburdened courts handle their dockets on a routine and continuing basis. For instance, in the 26th circuit in the Lake of the Ozarks area, three judges suffered lengthy illnesses, and two of them eventually died, leaving that circuit shorthanded and unable to meet the needs of its growing population. To resolve this problem, we transferred in senior judges on

a long-term basis, allowing civil trials to proceed and greatly expediting all cases.

Of course, the area soon may need another judge – Presiding Judge Greg Kays was one of two Missouri judges whom President George Bush recently nominated to become a federal district court judge. He is a fine judge and an outstanding individual. In fact, Judge Kays was honored by both the Highway Patrol and the Supreme Court for his selfless service in helping to save the life of his wilderness guide during a 2005 fishing expedition near the Arctic Circle. Judge Kays, will you please stand?

We hope the judicial weighted workload study will help us avoid future crises like the one in the 26th circuit. Instead of the chief justice managing transfers, we are instituting a "judicial partnership program" pairing circuits that need extra judges with other circuits in the region whose judges have time to help. As this new program gets underway, we are focusing on the circuits with the most critical need first and will follow up with additional partnerships over the next year.

We must fix the criminal justice system

But, as newspapers in Springfield and St. Louis noted last month, adding more judges will not end the problems we are seeing in our criminal justice system. Even if we had more judges, we still would need more public defenders and prosecutors because, not enough attorneys are available to try all the pending criminal cases, resulting in lengthy pretrial incarcerations. This is a critical problem in every jurisdiction in the state but most acutely so in our urban areas, where the criminal justice system is on the brink of a shutdown and basic constitutional rights are in jeopardy.

It benefits the public, the victims of crime, witnesses and the entire justice system if these cases are processed in a reasonable time; in fact, the constitution requires it. We are pleased to hear the state's budget analysts predict a surplus will be available this year to meet some of the state's most critical needs. Few could be more critical than in the criminal justice system, where we are on the verge of risking release of some prisoners for failure to give them a speedy trial because there simply is no public defender available to advocate on their behalf. I cannot emphasize enough the urgency of this crisis and ask you to give the utmost consideration to the public defender's budget request.

Missouri cannot afford to let this continue. We thank those of you who have been working on this problem and we urge you to intensify your efforts at solving this critical flaw, one that reaches even beyond the criminal justice system. As shown by the 26th circuit's experience, backlogs in criminal cases can translate into delays for our civil litigants as well. This has not gone unnoticed by our business community. Business leaders tell us that they have no desire to operate in a state unless it has a fair and impartial court system that moves cases efficiently. Businesses are in litigation every day, all over the country, and the prompt resolution of their cases helps our economy to remain strong and to move forward.

Improving court technology enhances public safety and public access

Ensuring access to Missouri's courts extends beyond the courthouse walls, so we have strived to improve our online legal resources also. I am proud that the Supreme Court now offers streaming audio of its oral arguments so all members of the public can listen to them as they occur.

I also am pleased to announce that our electronic case management system will be complete statewide with the addition of Greene County this spring. Why does this matter? Well, by integrating technology into our court services, we are better able to meet your constituents' expectations about making all of government operate more efficiently. Because of its court technology, Missouri is the first state in the nation that allows the courts, the schools and state executive branch agencies that serve youth, to share juvenile case information through a secure, statewide system. And Missouri's court technology ensures that law enforcement agencies receive orders of protection within a few minutes of their entry and that the Highway Patrol more quickly can receive thousands of convictions and mental incapacity determinations.

We also are proud of our nationally recognized Case.net system, which lets you and your constituents access statewide adult case information around the clock through our Web site. Case.net is purely a Missouri product: It was designed by Missouri court technology staff, with input from courts and citizens throughout the state, and it is something of which we all should be proud.

The technology you have helped us build now positions us to take the next step for Missouri's citizens. With your support for our budget request to pilot electronic filing, we can begin providing Missourians electronic access to their court documents, increasing transparency of the courts for less money. E-filing also will be more efficient. It will enable litigants and lawyers to obtain court files and specific documents from their homes or offices any time of day. And it will enhance public safety by giving judges, court personnel and law enforcement officers round-the-clock access to case information. This will be an important step forward for everyone.

The advances we've made would not have been possible without your investments in court technology, because modern computer systems provide the foundation for information sharing and access. We thank you, and we ask for your continued support to enable Missouri's courts to provide the kind of service our citizens expect in the 21st century.

The nonpartisan plan for selecting judges on merit continues to work

I'll spend the remainder of my comments addressing something many of you have asked me about – the nonpartisan court plan. In fact, your enhanced interest gave me the privilege of being the first chief justice in recent memory to be invited to speak with a legislative committee even before the state of the judiciary. I was thankful for that opportunity.

As I noted then, I believe that in the nearly three-quarters of a century since its adoption, Missouri's nonpartisan merit-selection court plan has worked well in attracting high-quality judges in the least political way and in ultimately giving Missouri's voters – not lawyers, not the governor, not the legislature and not the Supreme Court – the final say. This renowned method of judicial selection – what some have called "Missouri's gift to the art of governance" – should be treasured.

Most Missourians agree. In a poll of 600 Missourians recently conducted by Public Opinion Strategies, the majority opposed replacing the plan, either with partisan judicial elections – in which judges raise literally millions, if not tens of millions, of dollars to keep their office – or with a federal-type system in which judges are hand-picked by the governor and confirmed by the senate.

The process the Appellate Judicial Commission followed in filling Judge Ronnie White's vacancy on the Supreme Court was the same process that the same seven commissioners followed to fill the five additional appellate vacancies this year. This process became part of Missouri's structure of government in 1940, when a group of mostly Republican legislators and civic leaders, including my colleague Steve Limbaugh's grandfather, "the original" Rush Limbaugh, successfully led a citizen initiative to end partisan control of the judiciary. The only significant change made since then came in 1978, when citizens – to minimize further the influence of partisan politics in our judicial system – eliminated the governor's ability to force the nonpartisan commissions to nominate additional panels for the same vacancy.

In the end, the process has worked essentially the same way for all those years. It is a neutral, even-handed process that blends the best features of merit screening, executive branch appointment and voter participation in judicial selection while preserving the public's confidence in fair and impartial courts. And it is the process that led to the selection of fine jurists such as John Holstein, Ann Covington, Charles Blackmar, Andrew Jackson Higgins, Joseph Simeone, J.P. Morgan and my own mentors – Robert Seiler and Elwood Thomas – to name but a few.

We are further opening the nonpartisan selection process

Pride in these and other fine judges appointed under the Missouri plan no doubt has played an important role in the rejection of prior attempts to dismantle the plan or allow it to become subject to expensive fundraising efforts, special interest influence or shifting political winds. As Missourians always have recognized, this is not a Democratic or Republican issue – it is a matter of good government.

But does that mean I think that we have implemented the plan perfectly? As I told the Senate Rules Committee last fall, actually, I don't – and those of us on the Supreme Court are working to improve its operation in two significant ways.

The first involves giving even more information to the media and the public. The nonpartisan plan process already makes *more* information public than what is shared in any other area of state government. Under the plan, the public learns who the three finalists are for positions on Missouri's nonpartisan courts so they can offer comment to the governor. For most other appointed positions in government, including the directors of executive branch agencies and the legislative leadership, all the public learns is the name of the person finally selected.

That said, the Supreme Court has listened to the public and the media and plans to open up the process even more. Beginning later this month, the Court will require commissions to announce the time, date and location of their meetings and to provide demographic information about the applicant pool prior to those meetings. Once the three finalists are determined, the commissions will be required to make public the three nominees' applications – with private information redacted, of course.

We plan to enhance public involvement in the process of rating and retaining nonpartisan judges

The second area designated for improvement is the retention election process. The Supreme Court is working to make sure that Missouri's citizens have more, and better, access to information about the performance of their judges when they exercise their right to have the final say on whether judges should remain in office.

In 2006, The Missouri Bar spent more than \$100,000 to conduct evaluations of nonpartisan judges and distribute the results to the public – by holding news conferences, distributing evaluations to the media, putting the results online, sending them to organizations such as the chambers of commerce – the Bar even made them available in libraries and supermarkets. We commend the Bar for its many efforts, but we can do even more for Missourians.

We want citizens to have ready information about the performance of their judges so they can make fully informed decisions when they exercise their right to vote. Ideally, Missouri would follow Arizona's lead and appropriate a million dollars each election cycle so the secretary of state can print and mail to each voter in the state a pamphlet summarizing and evaluating the qualifications and performance of each judge up for retention.

But we are not standing still just because full funding for these efforts is not available. As a member of the national Conference of Chief Justices, I am helping to draft a resolution – which we will vote on this summer – to support federal legislation allowing this type of voter guide to be distributed postage-free. If successful, this could reduce the cost of the pamphlets by up to one-third. I ask each of you to voice your support for this type of legislative proposal to your counterparts in Congress. Together, we can make a difference.

The Supreme Court also is requiring the creation of judicial performance committees to use objective standards to conduct in-depth evaluations of nonpartisan judges seeking retention. These performance committees, composed of an equal number of lay persons and lawyers, will release their evaluation summaries and will recommend whether a nonpartisan judge should be retained. The bottom line recommendations, and directions to a Web site with detailed evaluation information, will be made available in a concise voter information pamphlet – the type of pamphlet we hope one day to be able to send to all the voters.

Each of these proposals is feasible. None require any state funding or any new legislation; all are within the scope of the Supreme Court's constitutional authority over the judiciary. We look forward to the public's feedback about the improved retention evaluation system and to any other creative suggestions they may have for additional enhancements.

In conclusion, all the things I have talked about this morning merely help us accomplish our mission of providing fair and impartial justice in the nearly 1 million cases that come before our state's courts each year. We take every one of these cases very seriously, because we know that each one is the most important case in the world to the people involved.

While we judges often are struck by the weight of this responsibility, and while we may agonize about doing what the facts and the law of a particular case require, this responsibility is part of what we cherish most about our role in the court system. In the end, we are honored to be public servants, just like you.

As most of you know, one of Missouri's fine nonpartisan judges – my colleague Steve Limbaugh – recently was nominated by President Bush to become a federal district court judge. Steve is the epitome of a public servant. His life in public service – first as a prosecutor in Cape Girardeau County, then as a circuit judge there and, since 1992, as a Supreme Court judge – has been shaped by the examples of civility, courtesy and professionalism that Steve's grandfather and father set for him. He has been a real mentor for me on the Court, and I will greatly miss his sharp intellect, his insight, his wit and his camaraderie.

But I know Judge Limbaugh is eager to bring that same wisdom to the federal bench. When he does so, he will become the latest in a long series of Missouri nonpartisan plan judges who had such merit that they were nominated to join the federal bench, including Duane Benton and Theodore McMillian on the 8th Circuit appeals court as well as Henry Autrey, Gary Fenner, Fernando Gaitan, George Gunn, Jean Hamilton and Elmo Hunter on the district court bench, to name but a few.

We know Judge Limbaugh and Judge Kays, like their predecessors, will make Missouri proud. Thank you.

And thanks to all of you.

On motion of Senator Shields, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Scott.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1078—By Rupp.

An Act to repeal sections 160.400, 160.405, and 160.410, RSMo, and to enact in lieu thereof three new sections relating to charter schools.

SB 1079—By Bray.

An Act to repeal sections 191.765, 191.767, 191.769, 191.771, 191.775, 191.776, and 577.070, RSMo, and to enact in lieu thereof seven new sections relating to smoking-related offenses, with penalty provisions.

SB 1080—By Bray.

An Act to repeal section 386.266, RSMo, and to enact in lieu thereof one new section relating to alternate rate schedules.

SB 1081—By Nodler and Green.

An Act to repeal sections 210.900, 210.903, 210.906, 210.909, 210.915, 210.921, 210.927, 630.165, 630.167, and 633.005, RSMo, and to enact in lieu thereof fifteen new sections relating to quality assurance and safety in the division of mental retardation and developmental disabilities community programs, with penalty provisions, an emergency clause for a certain section, and an expiration date for a certain section.

SB 1082—By Days.

An Act to repeal section 115.247, RSMo, and to enact in lieu thereof two new sections relating to election ballots.

SB 1083—By Coleman.

An Act to repeal sections 115.205 and 115.631, RSMo, and to enact in lieu thereof three new sections relating to elections, with penalty provisions.

SB 1084—By Coleman and Bray.

An Act to repeal section 163.161, RSMo, and to enact in lieu thereof one new section relating to state aid for transportation of pupils.

SB 1085—By Coleman and Bray.

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to the A+ schools program.

SB 1086—By Smith.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to after school programs for public school students.

SB 1087—By Clemens.

An Act to amend chapter 173, RSMo, by adding thereto six new sections relating to the non-traditional student educational expense repayment program.

SB 1088—By Clemens.

An Act to repeal section 195.010, RSMo, and to enact in lieu thereof three new sections relating to restricted natural substances, with penalty provisions.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Richard “Rick” Sullivan, Jr., as Chief Executive Officer of the Transitional School District of Saint Louis, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Bray moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Rupp assumed the Chair.

RE-REFERRALS

President Pro Tem Gibbons re-referred **SB 1032** to the Committee on the Judiciary and Civil and Criminal Jurisprudence.

President Pro Tem Gibbons re-referred **SB 1035** to the Committee on Commerce, Energy and the Environment.

RESOLUTIONS

Senator Dempsey offered Senate Resolution No. 1726, regarding Amanda Kay Weber, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 1727, regarding Roderick Franklin Laughman, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 1728, regarding Allison Lee Bacon, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 1729, regarding Paula Young, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 1730, regarding Cheryl Skiles, St. Peters, which was adopted.

Senator Crowell offered Senate Resolution No. 1731, regarding the Fiftieth Wedding Anniversary of Ray and Norma Mehner, Perryville, which was adopted.

Senator Rupp offered Senate Resolution No. 1732, regarding Bruce Barnes, Troy, which was adopted.

Senator Rupp offered Senate Resolution No. 1733, regarding the Sixty-first Wedding Anniversary of Mr. and Mrs. Joseph Lococo, St. Charles County, which was adopted.

Senator Justus offered Senate Resolution No. 1734, regarding the Aladdin Hotel, Kansas City, which was adopted.

Senator Justus offered Senate Resolution No. 1735, regarding the Trans-World Airlines Corporate Headquarters Building, Kansas City, which was adopted.

On motion of Senator Shields, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Lager.

RESOLUTIONS

Senator Smith offered Senate Resolution No. 1736, regarding Michael and Stephen Roberts, Saint Louis, which was adopted.

Senator Bray offered Senate Resolution No. 1737, regarding the Seventieth Birthday of Joan Suarez, University City, which was adopted.

Senator Nodler offered Senate Resolution No. 1738, regarding Bobby Waynick, Oronogo, which was adopted.

Senator Nodler offered Senate Resolution No. 1739, regarding Thomas C. Phillips, Saginaw, which was adopted.

Senator Nodler offered Senate Resolution No. 1740, regarding Ralph Conduff, Carthage, which was adopted.

Senator Barnitz offered Senate Resolution No. 1741, regarding the Forty-first Wedding Anniversary of Mr. and Mrs. Walter Poeschel, Hermann, which was adopted.

Senator Barnitz offered Senate Resolution No. 1742, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eugene F. Hoffman, Newburg, which was adopted.

Senator Barnitz offered Senate Resolution No. 1743, regarding the Ninetieth Birthday of Victor R. Wagner, Hermann, which was adopted.

Senator Vogel offered Senate Resolution No. 1744, regarding MaKayla Boze, Tuscumbia, which was adopted.

Senator Vogel offered Senate Resolution No. 1745, regarding Kierstin Boze, Tuscumbia, which was adopted.

Senator Vogel offered Senate Resolution No. 1746, regarding Edwin M. Bybee, Jefferson City, which was adopted.

Senator Loudon offered Senate Resolution No. 1747, regarding Lauren Susannah Wilhelm, Columbia, Illinois, which was adopted.

Senator Crowell offered Senate Resolution No. 1748, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Lee, Cape Girardeau, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: Pursuant to the following corrected message, I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Escort committee to act with a like committee from the Senate pursuant to **HCR 2**. Representatives: Jones (89), Lipke, Stevenson, Flook, Cox, Burnett, Witte, Zimmerman, Walton and Harris (23).

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Ben A. "Todd" Parnell and Samuel M. Hunter, Democrats, as members of the Clean Water Commission;

Also,

James D. Palmer, as a member of the Seismic Safety Commission;

Also,

Karltan B. Nash, Arthur R. Higgins, Curtis P. Wall, John A. Buchanan, Kenneth J. Schmidt, Larry L. Butler and Glen R. Kolkmeier, as members of the Missouri Propane Gas Commission;

Also,

Christopher S. Stigall, as a member of the Amber Alert System Oversight Committee;

Also,

Joseph V. Knodell, Republican, as a member of the Board of Probation and Parole;

Also,

Lydia H. McEvoy, Julie A. Robinson, Kathleen Y. Hampton and Richard B. Hicks, as members of the Child Abuse and Neglect Review Board;

Also,

Mark R. Edwards and Jennifer M. Charleston, as members of the Peace Officer Standards and Training Commission;

Also,

Robert J. Weber, as a member of the Board of Boiler and Pressure Vessel Rules;

Also,

Mary Anne Brown, Republican, as a member of the State Board of Senior Services;

Also,

John P. Orr, Democrat, as a member of the Elevator Safety Board;

Also,

Doris J. Carter, as a member of the Coordinating Board for Higher Education;

Also,

Richard A. Walter, Independent, as a member of the Missouri Southern State University Board of Governors;

Also,

Anton H. Luetkemeyer, as student representative of the University of Missouri Board of Curators;

Also,

Omar D. Davis, as the Director of the Department of Revenue;

Also,

James R. Asahl, as a member of the Advisory Committee for 911 Service Oversight.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

INTRODUCTIONS OF GUESTS

Senator Lager introduced to the Senate, members of the Great Northwest Delegation.

Senator Graham introduced to the Senate, Coach Brian Winkler, Assistant Coach Jeff Schleicher and members of the Class 1 Champion Lady Bearcats girls softball team, Cairo High School.

Senator Wilson introduced to the Senate, Neal Colby, Kansas City.

Senator Mayer introduced to the Senate, Kyle Elizabeth Kilroy, Kansas City.

On behalf of Senators Rupp, Dempsey and himself, Senator Kennedy introduced to the Senate, Katie Maws, St. Charles; and Carly Maddock and Caitlin Farrow, St. Louis.

Senator Kennedy introduced to the Senate, the Physician of the Day, Dr. Jim Gibbons, M.D., St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTEENTH DAY—WEDNESDAY, FEBRUARY 6, 2008

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 1072-Rupp
 SB 1073-Dempsey
 SB 1074-Dempsey
 SB 1075-Engler
 SB 1076-Engler
 SB 1077-Goodman
 SB 1078-Rupp
 SB 1079-Bray
 SB 1080-Bray

SB 1081-Nodler and Green
 SB 1082-Days
 SB 1083-Coleman
 SB 1084-Coleman and Bray
 SB 1085-Coleman and Bray
 SB 1086-Smith
 SB 1087-Clemens
 SB 1088-Clemens

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Journal of the Senate

SECOND REGULAR SESSION

SIXTEENTH DAY—WEDNESDAY, FEBRUARY 6, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“A word fitly spoken is like gold.” (Proverbs 25:11)

Help us O Lord, to prepare our words in what we say or write. Guide our research and our reading so our efforts are prudent and efficient. And let us never forget the power and the impact of words on people we work with and who work for us both positively and negatively. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Wilson—32

Absent—Senators—None

Absent with leave—Senators

Champion Vogel—2

Vacancies—None

The Lieutenant Governor was present.

CONCURRENT RESOLUTIONS

Senator Bray offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 30

Relating to the ratification of the Equal Rights Amendment to the United States Constitution.

WHEREAS, three years after women won the right to vote, the Equal Rights Amendment to the United States Constitution, authored by Alice Paul, head of the National Women's Party, was introduced in Congress by Senator Curtis and Representative Anthony, both Republicans; and

WHEREAS, the Equal Rights Amendment to the United States Constitution passed the United States Senate and then the United States House of Representatives, and on March 22, 1972, the proposed Amendment to the United States Constitution was sent to the states for ratification; and

WHEREAS, the Equal Rights Amendment to the United States Constitution states:

“Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification.”; and

WHEREAS, Congress placed a deadline of June 30, 1982, on the ratification process and thirty-five states ratified the proposed Amendment before the deadline; and

WHEREAS, Congress may not have the constitutional authority to place a deadline on the ratification process; and

WHEREAS, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed Amendment to the Constitution of the United States; and

WHEREAS, the General Assembly of the State of Missouri finds that the proposed Amendment is meaningful and needed as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed Amendment was first submitted for adoption:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, that the Equal Rights Amendment to the United States Constitution is hereby ratified; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Archivist of the United States, Washington, D.C.; the Vice President of the United States; the Speaker of the United States House of Representatives; and each member of the Missouri Congressional Delegation with request that it be printed in the Congressional Record.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1089—By Justus.

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to the imposition of a transient guest tax by certain cities.

SB 1090—By Bray.

An Act to repeal sections 375.001, 375.002, 375.003, 375.004, 379.810, 379.815, 379.820, 379.825, 379.830, 379.840, 379.845, 379.850, 379.855, 379.860, 379.865, 379.870, 379.875, and 379.880, RSMo, and to enact in lieu thereof eighteen new sections relating to residential property insurance.

SB 1091—By Bray, Days, Barnitz, Engler and McKenna.

An Act to amend chapter 389, RSMo, by adding thereto one new section relating to providing certain

counseling services to railroad employees, with penalty provisions.

SB 1092—By Engler.

An Act to repeal section 163.172, RSMo, and to enact in lieu thereof one new section relating to teacher compensation.

SB 1093—By Loudon, Ridgeway and Rupp.

An Act to amend chapter 324, RSMo, by adding thereto ten new sections relating to the powers and duties of the Missouri electrical industry licensing board, with penalty provisions.

SB 1094—By Loudon.

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to prohibiting the interchange of anti-epileptic drugs.

SB 1095—By Loudon.

An Act to repeal sections 565.005, 565.006, 565.035, and 565.040, RSMo, and to enact in lieu thereof eight new sections relating to aggravated child kidnapping, with penalty provisions.

On motion of Senator Shields, the Senate recessed to repair to the House of Representatives to receive the **FINAL** State of Transportation Address from Mr. Pete Rahn, Director of the Missouri Department of Transportation.

JOINT SESSION

The Joint Session was called to order by President Kinder.

On roll call the following Senators were present:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Lager	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Wilson—30		

Absent—Senators

Koster Loudon—2

Absent with leave—Senators

Champion Vogel—2

Vacancies—None

On roll call the following Representatives were present:

Present—Representatives

Aull	Baker 123	Brandom	Bringer	Brown 30	Brown 50	Bruns	Burnett
Casey	Cooper 120	Cox	Cunningham 145	Cunningham 86	Curls	Darrough	Daus
Day	Deeken	Denison	Dethrow	Dixon	Donnelly	Dougherty	Dusenberg

Emery	Ervin	Faith	Fallert	Fares	Fisher	Flook	Frame
Franz	Funderburk	George	Guest	Harris 110	Haywood	Hodges	Holsman
Hoskins	Hubbard	Hughes	Johnson	Kelly	Kingery	Komo	Kraus
Kuessner	Lampe	LeVota	Liese	Lipke	Loehner	Low 39	Marsh
May	McGhee	Meadows	Meiners	Moore	Munzlinger	Muschany	Nance
Nasheed	Nieves	Nolte	Norr	Onder	Oxford	Page	Parson
Pearce	Pollock	Portwood	Pratt	Quinn 7	Quinn 9	Richard	Robb
Robinson	Roorda	Rucker	Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Self	Shively	Silvey	Skaggs	Smith 14	Smith 150	Spreng	Stevenson
St. Onge	Storch	Stream	Swinger	Thomson	Threlkeld	Tilley	Todd
Viebrock	Villa	Vogt	Wallace	Walsh	Walton	Wasson	Wells
Weter	Whorton	Wilson 119	Wilson 130	Witte	Wood	Wright 159	Wright-Jones
Yaeger	Yates	Young	Zimmerman—132				

Absent and Absent with Leave—Representatives

Avery	Baker 25	Bivens	Bland	Chappelle-Nadal	Cooper 155	Corcoran	Davis
El-Amin	Grill	Grisemore	Harris 23	Hobbs	Hunter	Ice	Jones 89
Jones 117	Lembke	Lowe 44	McClanahan	Schneider	Sutherland	Talboy	Wildberger
Zweifel	Mr. Speaker—26						

Vacancies—5

The Director of Transportation, Pete Rahn, assumed the dais and delivered the State of Transportation Address to the Joint Assembly:

Pete Rahn
State of Transportation Address
February 6, 2008

Lt. Governor, Mr. Speaker, Mr. President Pro Tem, Distinguished State Officials, Members of the 94th General Assembly, Members of the Missouri Highways and Transportation Commission and Citizens of Missouri:

The road to credibility is a long one. The road to discredit is not. Credibility takes a long time to build, but it can be torn down in a matter of seconds.

The road to credibility is paved with openness and honesty; dedication and hard work; success and commitments met; an innovative spirit and efficient approaches. This journey takes years to travel.

Discredit can come from one misstep. One poor decision. One catastrophic event handled poorly. It is less a journey than a trap door that sends an organization's reputation plummeting.

In 2003, many Missourians including the General Assembly believed that the trap door had fallen out from under the Missouri Department of Transportation. That is when this speech was created to increase our accountability.

A law requiring the director of MoDOT to report annually from this dais mandated a level of scrutiny, a level of accountability never before applied to a state agency. We have taken this responsibility seriously and have endeavored to present an enlightening report each year.

The first address was given in 2004 with a promise that a new day had dawned at MoDOT. In 2005, I reiterated that pledge and further promised that we would be a model for what today's state government should be - efficient, streamlined, forward thinking, results-driven and customer-oriented.

We have worked hard to become that kind of agency. Our focus has been on delivering results. Rebuilding trust. Demonstrating to you that

we are an organization worthy of your support. Each year, during this address, I have reported to you regarding our progress toward these goals. Our progress along the road to credibility.

The State of Transportation Address was created five years ago with a five-year sunset clause. Dramatic improvement was expected or the General Assembly could extend this accountability measure beyond five years. With that in mind, I am proud to say this is the fifth and final State of Transportation Address!

I believe the elimination of this speech sends a clear signal that MoDOT has regained its footing and your trust. Five years ago we faced uncertainty, but today there is no doubt - we've come a long way in a short time. A long way down the road to credibility.

Today, I am happy to report that we have reached our destination. Perceptions have changed and it is now a reality -- the state of transportation in Missouri is strong and the state of your department of transportation is even stronger. We have regained our credibility and then some. The proof is in the results. Just look how far we have come.

The result that motivates us everyday is the safety of our citizens. We have gone from a state where an obscene number of our family, friends and neighbors were dying on our roadways to a state that leads the nation in reducing traffic fatalities.

In 2006, there were 868 fewer deaths on America's roadways. Missouri accounted for 161 of those lives saved. That means that a state that makes up less than 2 percent of the nation's population accounted for 19 percent of lives saved on America's roads. We led the nation in lives saved. That is proof of how far we've come.

In 2007, the great news continued. Together with the Highway Patrol, the Missouri Coalition for Roadway Safety and highway safety advocates throughout our state, we experienced 118 fewer deaths on our roads.

That reduction in fatalities put us below 1,000 for the first time since 1993, which met the goal of the Coalition for Roadway Safety a full year early.

Our work, however, is not finished. We have come a long way in reducing deaths on our roadways. We could have saved even more lives with a primary safety belt law - 90 more lives this last year alone.

Additionally, while highway fatalities are down overall, deaths among motorcyclists are up. We must have a renewed focus on motorcycle safety and I urge you to never add to these deaths by repealing Missouri's helmet law.

We must also ensure that law enforcement officers have the tools they need to help keep our roads safe. I commend Sen. Ryan McKenna for proposing a dedicated revenue stream for the Highway Patrol that will mean more funding for law enforcement and more lives saved on Missouri's roadways.

We have come a long way decreasing fatalities and part of the reason is that Missouri's roads have gotten smoother and safer -- soon.

In 2006, we delivered 2,200 miles of smoother, safer roads a full year ahead of schedule. We are now building on that success with our Better Roads, Brighter Future initiative which will result in 5,600 miles of major roads with smooth pavement; brighter, wider striping; larger signs; rumble stripes; and, in most cases, a minimum four-foot paved shoulder all by 2012.

With just one year of Better Roads, Brighter Future completed, 78 percent of our major roads are now in good condition as compared to 44 percent just five years ago. That is progress that benefits all of us. That is an example of how far we've come.

The vast improvement of our highway system has gained national attention. The respected Reason Foundation released a report in 2007 analyzing the overall performance of every state's highway system.

Missouri climbed from 39th to 17th between 2000 and 2005 including an eleven-spot jump from 2004 to 2005 - the second biggest improvement in the country. And that was prior to the full effects of the Smooth Roads Initiative or any of the positive improvements through Better Roads, Brighter Future, which will undoubtedly move us up the rankings in future years.

The Reason Report also cited MoDOT's low administrative costs, making up only two percent of our budget, as playing a key role in the performance of our highway system. Missouri was listed as having the third lowest administrative costs per mile of any state in the nation. Our performance is being recognized nationally and is improving everyday. That is proof of how far we've come!

We are delivering significant results for the people of Missouri and we are saving them significant money while we do it.

Construction contracts awarded in Fiscal Year 2007 came in 7.4 percent under budget. That was a 90 million dollar savings - 90 million dollars more for road and bridge improvements. For Fiscal Year 2008, so far we are at 114 million dollars or 14 percent under budget.

Additionally, all projects in our five-year plan that were sped up due to Amendment 3 funding have been awarded to a contractor. With 100 percent of these projects under contract, we came in at four percent under budget. That is even more savings for even more highway

improvements. That is an example of how far we've come!

But, construction is not the only place we are saving money. We have reduced workers compensation costs seven million dollars. That savings comes from an unwavering emphasis on worker safety that delivered a 69 percent reduction in lost work days, which also means MoDOT employees are more productive and are accomplishing more for Missourians.

By reducing costs. By spending taxpayer money wisely. We are getting the best value for every dollar spent and we are able to think big when it comes to delivering transportation "wow" to the people of Missouri.

"Wow" was not the word that passed the lips of people in St. Louis when they found out we would be closing separate five-mile sections of Interstate 64 each of the next two years. I can't repeat many of those words here.

We closed the first five miles in the heart of the St. Louis region on January 2. Prior to the closure, headlines screamed predictions like "Apocalypse Now!" and "Traffic Nightmare!"

We, along with Gateway Contractors, St. Louis County, the city of St. Louis and the Highway Patrol, did everything in our power to keep those prophecies from becoming realities. We also provided a three million dollar incentive to Metro to increase ridership.

The people listened and, to their credit, the headlines immediately after the closure read "So far, so good," "Region's traffic nightmare a no-show," "Preparation Pays Off," and "Closure Off to Smooth Start." Commuters have adjusted their habits and have helped the region avoid its predicted traffic nightmare.

I particularly appreciated a letter from Representative Scott Muschany in which he states, "The smoothness of the entire project to date is a great testimony to your department's planning and regional leadership. The old MoDOT could not have pulled this off five years ago."

To further demonstrate the success of the project, the presidents' of Civic Progress, the Regional Chamber and Growth Association and the Regional Business Council jointly said in a letter "We look forward to more projects designed and managed by MoDOT, working together in making the region a more attractive place for business and continually improving economic opportunity and prosperity."

In 2010, St. Louis will enjoy ten miles of new, smooth pavement; 30 new, safer and more attractive bridges; and a new, safer high-speed interchange at Interstate 170. All of these improvements will be completed in three years instead of seven. That is real progress in our largest Metropolitan area. That is the biggest highway project in Missouri history. That shows how far we've come!

While the predicted crisis on I-64 didn't happen, we did have to respond to a real crisis right here in Jefferson City on November 27, 2007. We knew we had to act fast when an 8,000-gallon fuel tanker overturned and exploded on Highway 54 causing extensive damage to the Jefferson Street Overpass.

Within days, a complete replacement of the overpass was under contract. Working through snow, ice and extremely cold weather MoDOT employees and contractor Pace Construction tore down, rebuilt and reopened the overpass in just 37 days. Normally, this project would have taken months under the best conditions. That shows what we can do. That shows how far we've come!

The I-64 and Jefferson Street Overpass Teams are here today. Lesley Hoffarth and Tom Blair of MoDOT, Charlie Dooley and Garry Earls from St. Louis County, Captain Ron Johnson of the Highway Patrol and Ray Friem from Metro, as well as the Jefferson Street Overpass Team of Christopher Graham, Bryan Hartnagel and Jay Bestgen are in the gallery. I ask that they all stand and be recognized.

Bridges were certainly a major concern for motorists in 2007. The collapse of the Interstate 35 Bridge in Minneapolis directed renewed attention to the need for reliable transportation infrastructure and, particularly, bridge safety. We acted immediately to inspect all bridges similar in design to the one in Minnesota and to ensure their safety.

It is imperative, though, that we take major action to address a vast number of bridges quickly. With over 10,000 bridges, Missouri has the seventh most of any state in the union. We face a crisis as more than 1,000 are structurally in serious condition. Many are one step away from being closed.

That is why we initiated our Safe and Sound Bridge Improvement Program. 802 of our worst bridges will be repaired or replaced by 2013. I thank Gov. Blunt for calling a special session and the General Assembly for passing legislation to make sure this vital initiative moves forward.

In the aftermath of the Minneapolis bridge collapse, the nation was looking for answers and many eyes turned to the Show-Me State. Headlines nationally and internationally pointed to Missouri's innovative Safe and Sound Bridge initiative as a possible model for the entire nation.

Members of Congress took note and are watching our progress closely to see how it can be applied elsewhere. Even the Secretary of the United States Department of Transportation Mary Peters said that the Safe and Sound Bridge Program is "....attracting national attention for its especially creative approach...."

As of today, we are in the final stages of negotiations with Missouri Bridge Partners trying to bring this program to fruition.

While Safe and Sound will fix more than 800 bridges, it will not address our large river bridges that span more than 1,000 feet. I am pleased, however, that the Paseo Bridge in Kansas City will soon be replaced with a landmark structure. In November 2007, we awarded a contract that will lessen traffic congestion and increase mobility while adding an iconic bridge to the city's skyline.

The I-29 and I-35 connector project, known as kcICON, will result in safer, more convenient travel and a beautiful bridge that will be a Kansas City landmark for many decades to come.

This was also a landmark project because of the level of community involvement in its design. A 12-member citizen's advisory panel spent untold hours volunteering their time to choose a bridge that would add a dramatic architectural marvel to the city's skyline. They were given unprecedented access and input and their decision was final. That is a first in our nation. The result will be a bridge of which all Missourians can be proud. A bridge that shows how far we've come!

I am also pleased to report that Missouri and Illinois are in almost daily contact regarding another critical bridge project, the New Mississippi River Bridge in St. Louis. I remain hopeful that an agreement can be reached soon to move this project forward.

Unfortunately, there are many more major river bridges in Missouri that need to be replaced or repaired. In fact, we have more than any other state and more than 25 states combined.

To replace all the large bridges that need to be fixed would cost seven billion dollars. To make sure they are at least in satisfactory condition would cost 300 to 500 million dollars over 10 years. Either way we don't have the money.

Which brings me to another important topic. What would a State of Transportation Address be without a discussion of funding? It wouldn't be this one.

The perfect storm continues to brew on the transportation horizon. Three major factors are stirring up gale force winds that are coming on like a freight train set to arrive in 2010.

At that time, Amendment 3 bond money will be used up. We have been able to make great improvements to our highways and bridges quickly because of voter mandated bonding, but the proceeds dry up and future Amendment 3 revenues will go to repay the bonds.

On the federal front, money for highways is set to plummet unless Congress takes bold steps to prevent the tumble. In 2010, we will likely go from a 43 billion dollar federal highway program to a 25 billion dollar one -- a forty percent drop.

While we produce projects of great value through radical cost controls and budget management, the fact is our dollars are buying fewer projects overall because of rising costs for the materials that go into our roads and bridges.

For example, since 1997 state revenue for roads and bridges has grown 36 percent. At the same time, asphalt prices rose 97 percent - almost three times as much. Concrete has risen 48 percent. Steel has increased 57 percent. And, fuel to mow right of ways and move dirt has increased an incredible 204 percent.

In 2010, these factors converge and the bottom drops out of Missouri's transportation funding. We go from a 1.2 billion dollar construction program in 2005 to a 569 million dollar one. From the largest highway-building program in Missouri history to one where we will struggle to maintain roads. We will go from an improving highway system to one that is deteriorating.

And while I would love to stand here and expound on all the great achievements we have had making our other modes of transportation better, funding for those vital services has never been adequate. It is showing.

Ridership on Amtrak is growing in every state - except Missouri. Infrequent trips. Consistent delays of two hours or more. Passengers having to ride buses. It is little wonder Missourians are not flocking to Amtrak.

We have a plan to address Amtrak. It starts with allocating an additional 10 million dollars in funding to add tracks and install electronic on time messaging at stations across the state. I urge your support for this package. We must keep passenger rail viable in Missouri.

At the same time, I commend Gov. Blunt for proposing a four million dollar increase in funding for ports. Missouri is blessed with an abundance of waterways. It is imperative we invest more in this underused freight movement and transportation mode. We must see similar investment in aviation, public transit and bike and pedestrian facilities.

I am very concerned that the investments made in transportation by our grandparents that have given us unprecedented mobility and prosperity are not being made by our generation. Our children and grandchildren will not enjoy the same economic advantages and quality of life because of our refusal to pass along a comparable legacy.

Clearly, our transportation needs are great. The people of Missouri have identified 37 billion dollars in transportation priorities over the next

20 years. We project only 19 billion dollars in funding. That means an 18 billion dollar gap, not including inflation, between our needs and our ability to meet them. While the public has filet mignon expectations, MoDOT has Filet O' Fish funding.

I am encouraged that the discussion of transportation funding is ongoing and vibrant. More and more policy makers and key public opinion leaders are expressing concern about our looming funding crisis. They are exploring options for keeping us from going over the cliff.

Sen. Bill Stouffer and Rep. Neal St. Onge deserve credit for putting forward proposals that would dramatically increase funding for transportation. They are also leading efforts to educate the public about this dire situation.

Other innovative proposals have been put forth such as Sen. John Loudon's legislation to dedicate a portion of the growth in general revenue to transportation. Meanwhile, Sen. Matt Bartle continues to promote tolls as another tool to pay for needed highway improvements. I commend their leadership.

The discussion of funding must also include public private partnerships. Private sector investment in public sector improvements is a fact of life in today's global economy. I appreciate that Representative Charlie Schlottach has recognized that fact and is seeking to make public private partnerships a more readily available option for funding vital transportation projects.

The needs that directly impact our state's economic competitiveness are not going away. Our two busiest interstates, I-70 and I-44, are overcrowded and that congestion is growing everyday. They also have been stretched beyond their limits. The seven billion dollars necessary to completely rebuild and expand them -- with dedicated truck lanes to separate 18-wheelers from family sedans-- is a monetary illusion as we stand today.

What isn't an illusion is that climate change is an issue we must address. Discussions about transportation from here on out will include greater emphasis on environmentally sensitive approaches and solutions.

MoDOT is doing its part to be a greener organization and to protect the environment. We are using recycled roof shingles, tires and other materials in our pavement. In 2007, MoDOT used more than three million tons of asphalt containing recycled material on 1,020 miles of highway. Our efforts earned us the State Recycling Award last year.

At the same time, our entire vehicle fleet uses E-85 ethanol fuel and we use more biodiesel than all other state agencies combined. Plus, we are the first government agency in the nation to use hybrid bucket trucks. We are dedicated to being good stewards of the environment and we know that projects like the reconstruction of I-70 and I-44 must have a significant green focus.

There is no question environmental issues will play a large role in the reconstruction of these two interstates. There is, however, a question about how we will reconstruct them and the answer is more funding.

But, why should you trust us with more money? Because we have come a long way in just five years and we have shown you the results.

During my first address to the General Assembly, I made a lot of bold statements about how MoDOT would improve dramatically and as a result so would Missouri's transportation system.

I also said that I understood this is the Show-Me State and that we would have to show you the results. At that point, Speaker Rod Jetton started clapping verifying that we would indeed have to show him.

I would like to read you a quote from last December. "I gave MoDOT a hard time when it didn't perform well, and I feel I should brag on MoDOT now that it has things fixed. I am proud of MoDOT and the job it is doing. Seven years ago I never thought I would be able to say that. I can tell you it's great for Missouri. It's great for our economy. And, most importantly, it's great for our families."

I think you know where I'm going with this. The person who said that is Speaker Rod Jetton. We showed the speaker results and we are showing all Missourians results. That shows how far we've come!

The Show-me state is seeing results. We have installed median guard cables on I-70, I-44 and other interstates virtually eliminating cross over fatalities. We have expanded customer service to where you can reach a live person at MoDOT 24 hours a day, seven days a week, 365 days a year. We have reduced roadway fatalities by 23 percent in two years. We have gone from the third worst highway system in the country to an estimated ninth best.

We have come in under budget on 5.7 billion dollars in highway construction since 2003. And, we have saved 500 million dollars through Practical Design, which delivers highway improvements without unnecessary frills.

Secretary of Transportation Mary Peters has said that "The Show-Me State is showing America how to deliver highway projects on budget and on schedule, and even ahead of schedule."

We are showing the nation and we are showing Missourians how far we've come. Customer satisfaction in MoDOT has climbed dramatically

since 1999. 79 percent of Missourians say they think MoDOT is credible and worthy of their trust. That shows how far we've come!

We have come a long way in a short time. We are saving lives. We are making highways smoother. We are saving taxpayers' money. We are involving and listening to citizens. We have regained the trust of the people of this state.

Our remarkable turnaround has been noticed nationally and in our state. In November of last year, MoDOT won the prestigious Missouri Quality Award. We went through a rigorous review and emerged with an award that recognizes innovation, leadership, customer service, efficiency and that confirms we are a high performing organization on par with past winners like Boeing, Anheuser-Busch and Sprint. Winning the Missouri Quality Award demonstrates how far we've come!

We have come a long way, but we know success is not a destination -- it is a journey. And, the only way we succeed is together. For MoDOT's part, we remain committed to our mission of "Providing a world-class transportation experience that delights our customers and promotes a prosperous Missouri."

I bring this final address to a close, however, with a statement I made in 2005. We have shown you amazing progress. But, you ain't seen nothin' yet!

Thank you and may God bless your travels.

On motion of Senator Shields, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Engler.

RESOLUTIONS

Senator Engler offered Senate Resolution No. 1749, regarding the death of Leslie "Sonny" Duncan, Jr., Festus, which was adopted.

On behalf of Senator Vogel, Senator Shields offered Senate Resolution No. 1750, regarding Judge Patricia S. Joyce, Jefferson City, which was adopted.

On behalf of Senator Vogel, Senator Shields offered Senate Resolution No. 1751, regarding Matthew Kays Clardy, which was adopted.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1072—Education.

SB 1073—Ways and Means.

SB 1074—Judiciary and Civil and Criminal Jurisprudence.

SB 1075—Judiciary and Civil and Criminal Jurisprudence.

SB 1076—Judiciary and Civil and Criminal Jurisprudence.

SB 1077—Small Business, Insurance and Industrial Relations.

SB 1078—Education.

SB 1079—Pensions, Veterans' Affairs and General Laws.

SB 1080—Commerce, Energy and the Environment.

SB 1081—Health and Mental Health.

SB 1082—Financial and Governmental Organizations and Elections.

SB 1083—Financial and Governmental Organizations and Elections.

SB 1084—Education.

SB 1085—Education.

SB 1086—Education.

SB 1087—Education.

SB 1088—Agriculture, Conservation, Parks and Natural Resources.

COMMUNICATIONS

Senator Shields submitted the following:

February 5, 2008

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee has previously approved the 94th General Assembly's Senate Minority Caucus.

Please add the following member to the caucus:

- Senator Chris Koster

Sincerely,

/s/ Charlie Shields

Charlie Shields

INTRODUCTIONS OF GUESTS

Senator Clemens introduced to the Senate, the Physician of the Day, Dr. John Lilly, M.D., Willard.

Senator Shoemyer introduced to the Senate, Paula Gough, Dave Silvester and Jennifer Henson, Hannibal; Ervin Fackler, Lincoln County; and Robin Fitzgerald, Perry.

Senator Shoemyer introduced to the Senate, Sujit Chembukkar and Philip Gilmor, Amy Goodwin, Casey Milburg, JoEllen Flanagan, Phil Raine, Slavina Stoyanova and Corey Lewis, Truman State University, Kirksville.

Senator Gribbons introduced to the Senate, Major Lonneal Richardson, Jim Hoffmeister, Ed MacAlmon, Lt. Colonel Ted Dalberg, Judge Harold Lowenstein, Tom Bennett and Alex Wendel, members of the Salvation Army Missouri Regional Leadership Council.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTEENTH DAY—THURSDAY, FEBRUARY 7, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1089-Justus

SB 1090-Bray

SB 1091-Bray, et al
SB 1092-Engler
SB 1093-Loudon, et al

SB 1094-Loudon
SB 1095-Loudon

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 30-Bray

✓

Journal of the Senate

SECOND REGULAR SESSION

SEVENTEENTH DAY—THURSDAY, FEBRUARY 7, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“O Lord what are human beings that you regard them, or mortals that you think of them?” (Psalm 144)

Merciful God, we are mindful of our weaknesses and inadequacies and often forget the frailness of our human state, so we call on You to help us remember whose we are and to be humble with those we spend this day and weekend with and always remember to treat them with dignity and respect. In this frailty of life we are mindful of the death of Senator John Loudon’s father and commend him to Your loving care. And we pray for the Loudon family that You might comfort them with the memory of Your mercy and care and be an ever present help to them. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Lager	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

Absent—Senators—None

Absent with leave—Senators

Champion	Koster	Loudon—3
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Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 1752, regarding David Ward, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 1753, regarding Margaret Miller, Madison County, which was adopted.

Senator Crowell offered Senate Resolution No. 1754, regarding Black River Electric Cooperative, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 1755, regarding Bob Seabaugh, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 1756, regarding Irene Cureton, Fredericktown, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1757, regarding Virgena Rae Gibson, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1758, regarding Melissa Ann Orr, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1759, regarding Judy Allen, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1760, regarding Chrisele Dawn Abell, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1761, regarding Karen Keck, which was adopted.

Senator Crowell offered Senate Resolution No. 1762, regarding Barrett-Jenson Chevrolet, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1763, regarding Benny Lee, Kansas City, which was adopted.

Senator Crowell offered Senate Resolution No. 1764, regarding Bill Tesreau, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1096—By Graham.

An Act to amend chapter 36, RSMo, by adding thereto one new section relating to spousal leave records.

SB 1097—By Graham.

An Act to repeal section 221.515, RSMo, and to enact in lieu thereof one new section relating to powers of jailers.

SB 1098—By Bray and Engler.

An Act to repeal sections 383.015, 383.016, 383.020, 383.035, and 383.206, RSMo, and to enact in lieu thereof six new sections relating to medical malpractice insurance.

SB 1099—By Graham.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of

the Carl Edwards Drive.

SB 1100—By Bray and Smith.

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to green building standards.

SB 1101—By Bray and Days.

An Act to amend chapter 354, RSMo, by adding thereto twenty-two new sections relating to the Missouri universal health assurance program, with a contingent effective date for certain sections.

SB 1102—By Bray.

An Act to repeal sections 21.145, 105.456, 105.961, 105.963, 130.021, RSMo, and section 130.032 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate committee substitute for senate bill no. 16, eighty-ninth general assembly, first regular session, and section 130.032 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, and sections 130.047 and 130.048, RSMo, and to enact in lieu thereof eleven new sections relating to ethics, with penalty provisions.

SB 1103—By Gibbons.

An Act to repeal sections 210.903, 210.906, 210.909, and 210.921, RSMo, and to enact in lieu thereof four new sections relating to the family care safety registry, with penalty provisions.

SB 1104—By Kennedy and Smith.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to granting immunity to law enforcement agencies for damages caused by vehicular pursuits.

SB 1105—By Coleman.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax check-off for contributions to the Breast Cancer Awareness Trust Fund.

SB 1106—By Scott.

An Act to repeal sections 210.109, 210.110, 210.135, 210.145, 210.150, 210.152, 210.153, 210.183, and 210.903, RSMo, and to enact in lieu thereof nine new sections relating to child abuse and neglect, with penalty provisions.

SB 1107—By Scott, Vogel, Goodman, Purgason, Clemens, Rupp, Dempsey, Gibbons and Shields.

An Act to repeal sections 304.157, 306.010, 306.015, 306.100, 306.111, 306.112, 306.114, 306.117, 306.124, 306.125, 306.126, 306.127, 306.132, 306.147, 306.163, 306.221, 565.024, 565.082, and 577.080, RSMo, and to enact in lieu thereof twenty new sections relating to the water patrol, with penalty provisions.

SB 1108—By Scott.

An Act to repeal section 425.010, RSMo, and to enact in lieu thereof six new sections relating to debt settlement providers, with penalty provisions.

SB 1109—By Scott.

An Act to repeal sections 337.500 and 337.510, RSMo, and to enact in lieu thereof two new sections

relating to licensed professional counselors.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 724**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 711**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 718**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 935**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 801**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 845**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 820**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 943**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 978**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 747** and **SB 736**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 759**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 931**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 994**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 830**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mayer, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 726**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which were referred **SB 840** and **SB 857**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 720**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 760**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which were referred **SB 761** and **SB 774**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott assumed the Chair.

The Senate observed a moment of prayer on behalf of Michael N. Keathley.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 6, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office submitted to you on January 9, 2008, for your advice and consent:

Mary I. Beveridge, 6164 Charlotte Street, Kansas City, Jackson County, Missouri 64110, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2009, and until her successor is duly appointed and qualified; vice, Mary I. Beveridge, withdrawn.

Donna M. Bushur, 7444 Lydia Avenue, Kansas City, Jackson County, Missouri 64131, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2008, and until her successor is duly appointed and qualified; vice, Deborah Curtis, resigned.

John L. Evans, Republican, 3789 South East Highway 33, Lathrop, Clinton County, Missouri 64465, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2009, and until his successor is duly appointed and qualified; vice, John L. Evans, withdrawn.

Derio L. Gambaro, Democrat, 5320 Wilson Avenue, Saint Louis City, Missouri 63110, as a member of the State Board of Education, for a term ending July 1, 2012, and until his successor is duly appointed and qualified; vice, Derio L. Gambaro, withdrawn.

Anne E. McRoberts, Republican, Rural Route 1 Box 71, Malta Bend, Saline County, Missouri 65339, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2008, and until her successor is duly appointed and qualified; vice, E. Gail Beatty, resigned.

Michael G. Nordwald, Republican, 17615 H Highway, Liberty, Clay County, Missouri 64068, as a member of the Missouri

Alternative Fuels Commission, for a term ending March 25, 2011, and until his successor is duly appointed and qualified; vice, RSMo 414.420.

Dorothy E.A. Rowland, 20857 State Highway D, Dexter, Stoddard County, Missouri 63841, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Stephen G. Sanders, 6006 NW 101st Terrace, Kansas City, Platte County, Missouri 64154, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until his successor is duly appointed and qualified; vice, RSMo 210.153.

Daniel K. Carr, Republican, 1932 High Drive, Liberty, Clay County, Missouri 64068, as a member of the Missouri State Penitentiary Redevelopment Commission, for a term ending March 3, 2008, and until his successor is duly appointed and qualified; vice, Daniel K. Carr, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 6, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office submitted to you on February 1, 2008, for your advice and consent:

William M. Cohen, 13362 Pointe Conway Road, Saint Louis, Saint Louis County, Missouri 63141, as a member of the Missouri Dental Board, for a term ending October 16, 2012, and until his successor is duly appointed and qualified; vice, John Sheets, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 6, 2008

REORGANIZATION PLAN NO. 2

2008

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 2 of 2008, by Executive Order 08-04 to transfer the function of processing payments for examinations for sexual assault victims from the Department of Health and Senior Services to the Department of Public Safety.

The transfer of state payment of these services will improve efficiencies within state government, as the Department of Public Safety is the primary state agency for providing services to victims of crime.

Respectfully Submitted,

MATT BLUNT

EXECUTIVE ORDER**08-04**

WHEREAS, the Department of Health and Senior Services is authorized under Chapter 192, RSMo; and

WHEREAS, Section 191.225, RSMo, requires the Department of Health and Senior Services to pay for forensic examinations provided to victims of sexual offenses; and

WHEREAS, these payments currently are processed by the Department of Health and Senior Services, Division of Community and Public Health; and

WHEREAS, the Missouri Department of Public Safety is authorized under Article IV, Section 12, of the Missouri Constitution and Chapter 650, RSMo; and

WHEREAS, the Missouri State Highway Patrol is housed in the Department of Public Safety and currently distributes victim sexual assault kits to law enforcement and hospitals throughout the state; and

WHEREAS, the Crime Victims' Compensation Fund Program is within the Department of Public Safety and is the state agency that coordinates and provides financial assistance to victims of crime; and

WHEREAS, the administration of sexual assault examination payments would be strengthened by a move to the Department of Public Safety where other statewide programs providing services to crime victims are located; and

WHEREAS, I am committed to integrating executive branch operations to ensure that the state delivers quality services in the most accessible manner and at the lowest cost to taxpayers.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby order the Department of Health and Senior Services and the Department of Public Safety to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the sexual assault evidentiary kit and exam payment program to the Department of Public Safety by Type I transfer, as defined under the Reorganization Act of 1974;
2. Develop mechanisms and processes necessary to effectively transfer the sexual assault evidentiary kit and exam payment program to the Crime Victims' Compensation Fund Program in the Department of Public Safety; and
3. Transfer the responsibility for staff support for the program to the Department of Public Safety's Crime Victims' Compensation Fund Program.

This Order shall become effective no sooner than August 28, 2008, unless disapproved within sixty days of its submission to the Second Regular Session of the 94th General Assembly.

Seal

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 6th day of February, 2008.

MATT BLUNT
GOVERNOR

ATTEST:

ROBIN CARNAHAN
SECRETARY OF STATE

Senator Gibbons moved that the appointments of Mary I. Beveridge, Donna M. Bushur, John L. Evans, Derio L. Gambaro, Anne E. McRoberts, Michael G. Nordwald, Dorothy E.A. Rowland, Stephen G. Sanders and Daniel K. Carr be returned to the Governor per his request, which motion prevailed.

Senator Gibbons moved that the appointment of William M. Cohen be returned to the Governor per his request, which motion prevailed.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 30—Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

John E. Mehner, as a member of the Missouri Development Finance Board;

Also,

DeEtta L. Murphy, as a member of the Linked Deposits Review Committee;

Also,

Todd P. Smith, as the Director of the Department of Labor and Industrial Relations;

Also,

John L. Boland, as a member of the Missouri Propane Gas Commission;

Also,

Ryan N. Espenschied and Annetta M. Vickers, as members of the Child Abuse and Neglect Review Board;

Also,

Barbara G. Ostmann and Jonathan L. Held, as members of the Missouri Wine and Grape Board;

Also,

Paula G. Bonney, as a member of the Missouri Planning Council on Developmental Disabilities;

Also,

John W. Siscel, III, Republican, as a member of the Truman State University Board of Governors;

Also,

Elizabeth B. Aull, Republican, as a member of the Hazardous Waste Management Commission;

Also,

Tammy D. McLane, as a member of the Organ Donation Advisory Committee;

Also,

Catherine S. Smith, Republican, as a member of the Missouri State University Board of Governors;

Also,

Thomas G. Kolb, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees;

Also,

Wayman F. Smith, Democrat, as a member of the Harris-Stowe State University Board of Regents.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of David L. Vlach, as a member of the Mental Health Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Shields moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Peter F. Herschend, Republican, as a member of the State Board of Education, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Goodman moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of John C. Hilton, as a member of the Truman State University Board of Governors, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Gibbons moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2019**, entitled:

An Act to appropriate money for supplemental purposes for the University of Missouri, for the purchase of equipment, and for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements, from the funds designated for the fiscal period ending June 30, 2008.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2020**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, for the purchase of equipment, and for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements, from the funds designated for the fiscal period ending June 30, 2008.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Ted Groshong, M.D., Columbia.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, February 11, 2008.

SENATE CALENDAR

EIGHTEENTH DAY—MONDAY, FEBRUARY 11, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1089-Justus
SB 1090-Bray
SB 1091-Bray, et al
SB 1092-Engler
SB 1093-Loudon, et al
SB 1094-Loudon
SB 1095-Loudon
SB 1096-Graham
SB 1097-Graham
SB 1098-Bray and Engler
SB 1099-Graham

SB 1100-Bray and Smith
SB 1101-Bray and Days
SB 1102-Bray
SB 1103-Gibbons
SB 1104-Kennedy and Smith
SB 1105-Coleman
SB 1106-Scott
SB 1107-Scott, et al
SB 1108-Scott
SB 1109-Scott

HOUSE BILLS ON SECOND READING

HB 2019-Icet

HB 2020-Icet

SENATE BILLS FOR PERFECTION

- | | |
|--|--------------------------------------|
| 1. SB 724-Scott, et al, with SCS | 8. SB 994-Crowell, with SCS |
| 2. SB 711-Gibbons, et al, with SCS | 9. SB 830-Coleman, with SCS |
| 3. SB 718-Kennedy, with SCS | 10. SB 726-Shields, with SCS |
| 4. SB 935-Griesheimer, et al, with SCS | 11. SBs 840 & 857-Engler, with SCS |
| 5. SBs 747 & 736-Ridgeway and Gibbons,
with SCS | 12. SB 720-Coleman, with SCS |
| 6. SB 759-Stouffer, with SCS | 13. SBs 761 & 774-Stouffer, with SCS |
| 7. SB 931-Purgason, with SCS | |

INFORMAL CALENDAR

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 801-Ridgeway
SB 845-Rupp and Dempsey
SB 820-Rupp

SB 943-Clemens
SB 978-Griesheimer
SB 760-Stouffer, with SCS

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Journal of the Senate

SECOND REGULAR SESSION

EIGHTEENTH DAY—MONDAY, FEBRUARY 11, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“O give thanks to the Lord for he is good for his steadfast love endures forever.” (Psalm 136:1)

Blessed Lord, we thank You for watching our travels this day that we have arrived safely here to the work that awaits us. Continue to guide us along Your right pathways that all our efforts may show forth our love for You and service to those who elected us. And watch over those who travel this evening. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 7, 2008 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Coleman	Crowell	Days
Engler	Graham	Green	Griesheimer	Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

Absent—Senators—None

Absent with leave—Senators

Champion	Dempsey	Gibbons	Goodman—4
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Vacancies—None

The Lieutenant Governor was present.

The Senate observed a moment of prayer remembering Michael N. Keathley, the families of Dean Hobbs and Robert Brewster Loudon and the victims and families of the Kirkwood Community shootings.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 1765, regarding Gary Jones, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1766, regarding Jerry Buescher, Hartsburg, which was adopted.

Senator Kennedy offered Senate Resolution No. 1767, regarding StJohn Austin Westbrook, Saint Louis, which was adopted.

Senator Loudon offered Senate Resolution No. 1768, regarding the death of Robert Brewster Loudon, Ballwin, which was adopted.

Senator Justus offered Senate Resolution No. 1769, regarding Marc Wilson, which was adopted.

Senator Justus offered Senate Resolution No. 1770, regarding the Kansas City Friends of Alvin Ailey, which was adopted.

Senator Justus offered Senate Resolution No. 1771, regarding Jim Duddy, which was adopted.

Senator Shields offered Senate Resolution No. 1772, regarding the City of St. Joseph, which was adopted.

Senator Smith offered Senate Resolution No. 1773, regarding Cole Ratner, St. Louis, which was adopted.

Senator Smith offered Senate Resolution No. 1774, regarding Derek Stone Rowley, which was adopted.

Senator Graham offered Senate Resolution No. 1775, regarding Don and Carla Helmreich, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 1776, regarding Walter Bargaen, Ashland, which was adopted.

Senator Graham offered Senate Resolution No. 1777, regarding the Missouri Folklore Society, which was adopted.

Senator Graham offered Senate Resolution No. 1778, regarding Gary Tatlow and the late Marilyn Silvey Tatlow, which was adopted.

Senator Crowell offered Senate Resolution No. 1779, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Oliver J. Grebing, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1780, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Ginard Rehkop, Patton, which was adopted.

Senator Crowell offered Senate Resolution No. 1781, regarding the Sixtieth Wedding Anniversary of J.T. and Joyce Seesing, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1782, regarding the Fifty-first Wedding Anniversary of Cecil and Wanda McGuire, Jackson, which was adopted.

Senator Graham offered Senate Resolution No. 1783, regarding Cynthia Waltman, which was adopted.

Senator Graham offered Senate Resolution No. 1784, regarding Karen Krueger, which was adopted.

Senator Graham offered Senate Resolution No. 1785, regarding Ana Karina Galve-Peritore, which was adopted.

Senator Graham offered Senate Resolution No. 1786, regarding Paul Copenhaver, Moberly, which was adopted.

Senator Coleman offered Senate Resolution No. 1787, regarding Linda Kennedy, which was adopted.

Senator Smith offered Senate Resolution No. 1788, regarding Carolyn Ann Recke, Saint Louis, which was adopted.

Senator Shields offered Senate Resolution No. 1789, regarding Kyle E. Bowman, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1790, regarding Tyler Evan Arthur, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 1791, regarding David Alan Clizer, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 1792, regarding Kyle William Downs, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1793, regarding Matthew Albert Gandy, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1794, regarding Jordan Raisher, Platte Woods, which was adopted.

Senator Shields offered Senate Resolution No. 1795, regarding Kenneth Tucker Gorman, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 1796, regarding Kyle J. Krug, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1797, regarding Samuel Lee Ayers, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 1798, regarding Patricia Reudo, which was adopted.

Senator Shields offered Senate Resolution No. 1799, regarding Stacy Winkler, which was adopted.

Senator Shields offered Senate Resolution No. 1800, regarding Sandra Jacobs, which was adopted.

Senator Shields offered Senate Resolution No. 1801, regarding Poppy Lee, which was adopted.

Senator Shields offered Senate Resolution No. 1802, regarding Diana Gehrt, which was adopted.

Senator Shields offered Senate Resolution No. 1803, regarding Alicia Walker, which was adopted.

Senator Shields offered Senate Resolution No. 1804, regarding Bradley Peck, which was adopted.

Senator Shields offered Senate Resolution No. 1805, regarding Phillip Adam, which was adopted.

Senator Shields offered Senate Resolution No. 1806, regarding Kyle Howe, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1807, regarding Rex O. Lee, D.O., Kirksville, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1110—By Clemens.

An Act to repeal section 288.250, RSMo, and to enact in lieu thereof one new section relating to the disclosure of unemployment records, with penalty provisions.

SB 1111—By Clemens.

An Act to repeal sections 276.421, 276.436, 276.441, 276.446, 276.506, 411.070, 411.260, 411.263, 411.266, 411.271, and 411.290, RSMo, and to enact in lieu thereof ten new sections relating to the production and sale of grain, with penalty provisions.

SB 1112—By Clemens.

An Act to repeal sections 288.040, 288.042, and 288.070, RSMo, and to enact in lieu thereof three new sections relating to unemployment compensation.

SB 1113—By Bray, Shoemyer, Green, Coleman, Days, Graham and Koster.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to the posting of nurse staffing levels at hospitals.

SB 1114—By Bray.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to deceptive advertising practices.

SB 1115—By Bray, Justus, Green and Coleman.

An Act to repeal sections 105.500, 105.510, 105.520, 105.525, and 105.530, RSMo, and to enact in lieu thereof ten new sections relating to good faith employee negotiations.

SB 1116—By Days.

An Act to amend chapter 644, RSMo, by adding thereto three new sections relating to authorization of water-related bonds.

SB 1117—By Smith.

An Act to repeal sections 8.800, 8.810, 8.812, 8.815, 8.837, 64.170, 67.280, and 143.121, RSMo, and to enact in lieu thereof eighteen new sections relating to environmentally sustainable buildings.

SB 1118—By Griesheimer.

An Act to repeal section 190.440, RSMo, and to enact in lieu thereof one new section relating to the imposition of a fee upon wireless phone services for provision of enhanced 911 services.

SB 1119—By Griesheimer.

An Act to repeal section 221.105, RSMo, and to enact in lieu thereof two new sections relating to prisoner incarceration reimbursement.

SB 1120—By Loudon.

An Act to repeal sections 167.181 and 210.003, RSMo, and to enact in lieu thereof two new sections relating to vaccinations.

SB 1121—By Loudon.

An Act to repeal section 374.415, RSMo, and to enact in lieu thereof one new section relating to product liability insurance reports.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 6, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Weldon R. Brady, Republican, 708 Fairway Drive, Warrensburg, Johnson County, Missouri 64093, as a member of the University of Central Missouri Board of Governors, for a term ending January 1, 2012, and until his successor is duly appointed and qualified; vice, Jennifer Hill Nixon, term expired.

Respectfully submitted,
MATT BLUNT

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 724**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 724**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 724

An Act to repeal sections 195.070, 195.100, 334.104, and 335.016, RSMo, and to enact in lieu thereof five new sections relating to nurses.

Was taken up.

Senator Rupp assumed the Chair.

Senator Scott moved that **SCS** for **SB 724** be adopted.

At the request of Senator Scott, **SB 724**, with **SCS** (pending) was placed on the Informal Calendar.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, President Dr. Bruce Speck, Missouri Southern State University, Joplin.

On behalf of Senator Mayer and himself, the President introduced to the Senate, Poplar Bluff High School Teenage Republicans.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

NINETEENTH DAY—TUESDAY, FEBRUARY 12, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1089-Justus	SB 1106-Scott
SB 1090-Bray	SB 1107-Scott, et al
SB 1091-Bray, et al	SB 1108-Scott
SB 1092-Engler	SB 1109-Scott
SB 1093-Loudon, et al	SB 1110-Clemens
SB 1094-Loudon	SB 1111-Clemens
SB 1095-Loudon	SB 1112-Clemens
SB 1096-Graham	SB 1113-Bray, et al
SB 1097-Graham	SB 1114-Bray
SB 1098-Bray and Engler	SB 1115-Bray, et al
SB 1099-Graham	SB 1116-Days
SB 1100-Bray, et al	SB 1117-Smith
SB 1101-Bray, et al	SB 1118-Griesheimer
SB 1102-Bray	SB 1119-Griesheimer
SB 1103-Gibbons	SB 1120-Loudon
SB 1104-Kennedy and Smith	SB 1121-Loudon
SB 1105-Coleman	

HOUSE BILLS ON SECOND READING

HB 2019-Icet

HB 2020-Icet

SENATE BILLS FOR PERFECTION

- | | |
|--|--------------------------------------|
| 1. SB 711-Gibbons, et al, with SCS | 7. SB 994-Crowell, with SCS |
| 2. SB 718-Kennedy, with SCS | 8. SB 830-Coleman, with SCS |
| 3. SB 935-Griesheimer, et al, with SCS | 9. SB 726-Shields, with SCS |
| 4. SBs 747 & 736-Ridgeway and Gibbons,
with SCS | 10. SBs 840 & 857-Engler, with SCS |
| 5. SB 759-Stouffer, with SCS | 11. SB 720-Coleman, with SCS |
| 6. SB 931-Purgason, with SCS | 12. SBs 761 & 774-Stouffer, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 724-Scott, et al, with SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 801-Ridgeway

SB 845-Rupp and Dempsey

SB 820-Rupp

SB 943-Clemens

SB 978-Griesheimer

SB 760-Stouffer, with SCS

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Journal of the Senate

SECOND REGULAR SESSION

NINETEENTH DAY—TUESDAY, FEBRUARY 12, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“What soap is to the body, laughter is to the soul.” (Yiddish proverb)

Father, King of the Universe, we often take ourselves far too serious and forget how to laugh and that which is most beneficial to us is to laugh at ourselves. So help us to have courage to look at ourselves and gain wisdom from what we have done and laugh for that will strengthen our bodies, lighten our souls and make us much more capable of being with others and they us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

Absent—Senators—None

Absent with leave—Senators

Bartle Gibbons—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Koster offered Senate Resolution No. 1808, regarding the 2007-2008 Class 3 Missouri State Champion Harrisonville High School Football Wildcats, which was adopted.

Senator Stouffer offered Senate Resolution No. 1809, regarding G. Frank Withrow, Macon, which was adopted.

Senator Stouffer offered Senate Resolution No. 1810, regarding Blake Shrout, Bunceton, which was adopted.

Senator Bray offered Senate Resolution No. 1811, regarding Wendy Lam, Saint Louis, which was adopted.

Senator Bray offered Senate Resolution No. 1812, regarding Amari Thigpen, Saint Louis, which was adopted.

Senator Bray offered Senate Resolution No. 1813, regarding Lucy Cohen, Saint Louis, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1122—By Ridgeway.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage for autism spectrum disorder.

SB 1123—By Loudon.

An Act to amend chapter 303, RSMo, by adding thereto one new section relating to the uninsured motorist stipulation of benefits act of 2008.

SB 1124—By Loudon.

An Act to amend chapter 507, RSMo, by adding thereto one new section relating to an insurance company's right to intervene in civil actions to determine coverage obligations.

SB 1125—By Crowell.

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to an income tax exemption for certain retirement benefits.

SB 1126—By Scott.

An Act to repeal section 324.1106 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session and section 324.1106 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, and to enact in lieu thereof one new section relating to private investigators.

SENATE BILLS FOR PERFECTION

SB 711, with **SCS**, was placed on the Informal Calendar.

Senator Kennedy moved that **SB 718**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 718**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 718

An Act to repeal sections 135.967 and 620.1881, RSMo, and to enact in lieu thereof two new sections relating to certain programs administered by the department of economic development.

Was taken up.

Senator Kennedy moved that **SCS for SB 718** be adopted.

Senator Kennedy offered **SS for SCS for SB 718**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 718

An Act to repeal sections 32.105, 135.967, 620.495, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof five new sections relating to certain programs administered by the department of economic development.

Senator Kennedy moved that **SS for SCS for SB 718** be adopted.

Senator Scott assumed the Chair.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 6, Section 32.105, Line 20 of said page, by inserting immediately after said line the following:

“135.681. 1. The director of the department of economic development or the director's designee shall issue letter rulings regarding the tax credit program authorized under section 135.680, subject to the terms and conditions set forth in this section. The director of the department of economic development may impose additional terms and conditions consistent with this section to requests for letter rulings by regulation promulgated under chapter 536, RSMo. For the purposes of this section, the term “letter ruling” means a written interpretation of law to a specific set of facts provided by the applicant requesting a letter ruling.

2. The director or director's designee shall respond to a request for a letter ruling within sixty days of receipt of such request. The applicant may provide a draft letter ruling for the department's consideration. The applicant may withdraw the request for a letter ruling, in writing, prior to the issuance of the letter ruling. The director or the director's designee may refuse to issue a letter ruling for good cause, but must list the specific reasons for refusing to issue the letter ruling. Good cause includes, but is not limited to:

(1) The applicant requests the director to determine whether a statute is constitutional or a regulation is lawful;

(2) The request involves a hypothetical situation or alternative plans;

(3) The facts or issues presented in the request are unclear, overbroad, insufficient, or otherwise

inappropriate as a basis upon which to issue a letter ruling; and

(4) The issue is currently being considered in a rulemaking procedure, contested case, or other agency or judicial proceeding that may definitely resolve the issue.

3. Letter rulings shall bind the director and the director's agents and their successors until such time as the taxpayer or its shareholders, members, or partners, as applicable, claim all of such tax credits on a Missouri tax return, subject to the terms and conditions set forth in properly published regulations. The letter ruling shall apply only to the applicant.

4. Letter rulings issued under the authority of this section shall not be a rule as defined in section 536.010, RSMo, in that it is an interpretation issued by the department with respect to a specific set of facts and intended to apply only to that specific set of facts, and therefore shall not be subject to the rulemaking requirements of chapter 536, RSMo.

5. Information in letter ruling requests as described in section 620.014, RSMo, as well as the applicant identifying information shall be closed to the public. Copies of letter rulings shall be available to the public provided that the applicant identifying information and otherwise protected information is redacted from the letter ruling as provided in subsection 1 of section 610.024, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

Senator Griesheimer assumed the Chair.

At the request of Senator Kennedy, **SB 718**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Scott moved that **SB 724**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 724** was again taken up.

Senator Scott moved that **SCS** for **SB 724** be adopted.

Senator Koster offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 724, Page 1, In the Title, Line 3, by striking “nurses” and inserting in lieu thereof the following: “monitoring of drugs”; and

Further amend said bill, page 3, section 195.100, line 30 by inserting immediately after all of said line the following:

“**195.378. 1. Sections 195.378 to 195.399 shall be known and may be cited as the “Drug Monitoring Act”.**

2. Notwithstanding the provisions of section 195.010, as used in sections 195.378 to 195.399, the following terms mean:

(1) “Controlled substance”, as defined in section 195.010;

(2) “Department”, the department of health and senior services;

(3) “Dispenser”, a person who delivers a schedule II, III, IV, or V controlled substance to the ultimate user, but does not include:

(a) A practitioner or other authorized person who administers such a substance; or

(b) A wholesale distributor of a schedule II, III, IV, or V controlled substance;

(4) “Patient”, a person or animal who is the ultimate user of a drug for whom a prescription is issued or for whom a drug is dispensed;

(5) “Schedule II, III, IV, or V controlled substance”, a controlled substance that is listed in schedule II, III, IV, or V of the schedules provided under this chapter or the Federal Controlled Substances Act, 21 U.S.C. Section 812.

195.381. 1. Subject to appropriations, the department of health and senior services shall establish and maintain a program for the monitoring of prescribing and dispensing of all schedule II, III, IV, and V controlled substances except schedule V controlled substances containing any detectable amount of pseudoephedrine that do not require a prescription, by all professionals licensed to prescribe or dispense such substances in this state.

2. Each dispenser shall submit to the department by electronic means information regarding each dispensing of a drug included in subsection 1 of this section. The information required by the department to be submitted for each dispensing may include, but not be limited to:

(1) The dispenser's United States Drug Enforcement Administration registration number;

(2) The date the drug is dispensed or the prescription is filled;

(3) The prescription number, if applicable;

(4) Whether the prescription is new or a refill;

(5) The NDC code for the drug dispensed;

(6) The number of days' supply of the drug dispensed;

(7) The quantity dispensed;

(8) Any identification issued by a state or federal government to the patient, or any other acceptable identification as defined by the department by rule;

(9) The patient's name, address, and date of birth;

(10) The prescriber's United States Drug Enforcement Administration registration number, if applicable;

(11) The date the prescription is issued by the prescriber, if applicable; and

(12) The source of payment for the drug, as defined by regulation promulgated by the department.

3. Each dispenser shall submit the information in accordance with transmission methods and frequency established by the department by regulation; except that, each dispenser shall report at least every thirty days between the first and fifteenth of the month following the month the drug was dispensed.

4. The department may issue a waiver to a dispenser that is unable to submit dispensing information by electronic means. Such waiver may permit the dispenser to submit dispensing information by paper form or other means, provided all information required in subsection 2 of this section is submitted in such alternative format.

195.384. 1. Controlled substance dispensing information submitted to the department shall be confidential and not subject to public disclosure under chapter 610, RSMo, except as provided in subsections 3 to 5 of this section.

2. The department shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted, and maintained is not disclosed to persons except as provided in subsections 3 to 5 of this section.

3. The department shall review the dispensing information and, if there is reasonable cause to believe a violation of law or breach of professional standards may have occurred, the department shall notify the appropriate law enforcement or professional licensing, certification, or regulatory agency or entity, and provide dispensing information required for an investigation.

4. The department may provide data in the drug monitoring program to the following persons:

(1) Persons authorized to prescribe or dispense controlled substances for the purpose of providing medical or pharmaceutical care for their patients;

(2) An individual who requests his or her own drug monitoring information in accordance with state law;

(3) The state board of pharmacy;

(4) Any state board charged with regulating a professional that has the authority to prescribe controlled substances that requests data related to a specific professional under the authority of that board;

(5) Local, state, and federal law enforcement or prosecutorial officials engaged in the administration, investigation, or enforcement of the laws governing licit drugs based on a specific case or under court order;

(6) The department of social services regarding MO HealthNet participants;

(7) A judge or other judicial authority under a court order;

(8) Personnel of the department of health and senior services for the administration and enforcement of sections 195.378 to 195.399; and

(9) The department of mental health regarding department program recipients receiving medication or medication-related services.

5. The department may provide data to public or private entities for statistical, research, or educational purposes after removing information that could be used to identify individual patients or persons who received prescriptions from dispensers.

6. Nothing in sections 195.378 to 195.399 shall require or obligate a dispenser or prescriber to access or check the information in the drug monitoring program prior to dispensing, prescribing, or administering medications or as part of their professional practice. Dispensers and prescribers shall

not be liable to any person for any claim of damages as a result of accessing or failing to access the information in the drug monitoring program and no lawsuit may be predicated thereon.

195.387. The department is authorized to contract with any other agency of this state or with a private vendor, as necessary, to ensure the effective operation of the drug monitoring program. Any contractor shall comply with the provisions regarding confidentiality of drug information in section 195.384. Any contractor who knowingly discloses drug monitoring information other than as provided in sections 195.378 to 195.399 or who uses such information in a manner and for a purpose in violation of sections 195.378 to 195.399 is guilty of a class A misdemeanor.

195.390. The department shall promulgate rules setting forth the procedures and methods of implementing sections 195.378 to 195.399 which shall be consistent with federal regulations, if applicable. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

195.393. 1. A dispenser who knowingly fails to submit drug monitoring information to the department as required in sections 195.378 to 195.399 or knowingly submits the incorrect prescription information is guilty of a class A misdemeanor.

2. A person authorized to have drug monitoring information under sections 195.378 to 195.399 who knowingly discloses such information in violation of sections 195.378 to 195.399 or who uses such information in a manner and for a purpose in violation of sections 195.378 to 195.399 is guilty of a class A misdemeanor.

195.396. 1. The department shall implement the following education courses:

(1) An orientation course during the implementation phase of the drug monitoring program established in section 195.381;

(2) A course for persons who are authorized to access the drug monitoring information but who did not participate in the orientation course;

(3) A course for persons who are authorized to access the drug monitoring information but who have violated laws or breached occupational standards involving dispensing, prescribing, and use of substances monitored by the drug monitoring program established in section 195.381. When appropriate, the department shall develop the content of the education courses described in subdivisions (1) to (3) of this subsection.

2. The department shall, when appropriate:

(1) Work with associations for impaired professionals to ensure intervention, treatment, and ongoing monitoring and followup; and

(2) Encourage individual patients who are identified and who have become addicted to substances monitored by the drug monitoring program established in section 195.381 to receive addiction treatment.

The department of health and senior services shall consult and coordinate with the department of mental health in developing and implementing patient intervention and referrals.

195.399. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under sections 195.378 to 195.399 shall automatically sunset six years after the effective date of sections 195.378 to 195.399 unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under sections 195.378 to 195.399 shall automatically sunset six years after the effective date of the reauthorization of sections 195.378 to 195.399; and

(3) Sections 195.378 to 195.399 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 195.378 to 195.399 is sunset.

195.417. 1. The limits specified in [subsection 2 of] this section shall not apply to any quantity of such product, mixture, or preparation **which must be dispensed, sold, or distributed in a pharmacy pursuant to a valid prescription or to any purchase by an individual of a single sales package if that package contains not more than sixty milligrams of pseudoephedrine.**

2. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, **phenylpropanolamine**, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

(1) The sole active ingredient; or

(2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection; in any total amount greater than nine grams, **without regard to the number of transactions.**

3. [All] For mail order sales or sales from a temporary retail location or sales from stand which is temporary or capable of being moved from one location to another, whether the stand is located within or on the premises of a fixed facility or located on unimproved real estate, within any thirty-day period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

(1) The sole active ingredient; or

(2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection; in any total amount greater than seven and five tenths grams, without regard to the number of transactions.

4. Within any twenty-four hour period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following

amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

(1) The sole active ingredient; or

(2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection; in any total amount greater than three and six tenths grams without regard to the number of transactions.

5. With the exception of those compounds, mixtures, or preparations which must be offered for sale only from behind the counter in a pharmacy, in offering the products for sale, persons selling packages of any compound, mixture, or preparation containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, [except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician under section 195.017.

4.] shall place the products such that customers do not have direct access to the products before a sale is made. This placement of product shall be either behind the counter or in a locked cabinet that is located in an area of the facility involved to which customers do not have direct access.

6. The person selling such compound, mixture, or preparation shall require any person, prior to their purchasing, receiving or otherwise acquiring such compound, mixture, or preparation of such compound, mixture, or preparation, to furnish suitable photo identification that is issued by a state or the federal government or a document that, with respect to identification, is considered acceptable.

7. The person selling such compound, mixture, or preparation shall maintain an electronic log of each transaction. Such log shall include the following information:

(1) The name, address, and signature of the purchaser;

(2) The name of the product and the amount of the compound, mixture, or preparation purchased;

(3) The date and time of each purchase; and

(4) The name or initials of the person selling the compound, mixture, or preparation to the purchaser.

8. The department shall develop a system whereby the electronic logs of each pharmacy, as provided in subsection 7 of this section, shall be transmitted to the department simultaneously to the creation of each entry in the log. The department shall create a database to encompass the transmitted electronic logs and shall make the database available to law enforcement agencies with jurisdiction to enforce state and federal controlled substance laws. In addition, the department shall monitor the database for any person that the department reasonably believes has violated the provisions of this section and provide the appropriate law enforcement agency with information regarding the potential violation.

9. Any law enforcement agency with jurisdiction to enforce state and federal controlled substance

laws is authorized to examine the electronic logs of a pharmacy upon request by the agency to the pharmacy.

10. The seller shall deliver the product directly into the custody of the purchaser.

11. This section shall supersede and preempt any local ordinances or regulations, including any ordinances or regulations enacted by any political subdivision of the state. This section shall not apply to [any products that the state department of health and senior services, upon application of a manufacturer, exempts by rule from this section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors or to] the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

[5. Persons selling and dispensing substances containing any detectable amount of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers shall maintain logs, documents, and records as specified in section 195.017. Persons selling only compounds, mixtures, or preparations that are excluded from Schedule V in subsection 17 or 18 of section 195.017 shall not be required to maintain such logs, documents, and records. All logs, records, documents, and electronic information maintained for the dispensing of these products shall be open for inspection and copying by municipal, county, and state or federal law enforcement officers whose duty it is to enforce the controlled substances laws of this state or the United States.

6.] **12.** Within thirty days of June 15, 2005, all persons who dispense or offer for sale pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

[7. Within thirty days of June 15, 2005, any business entity which sells ephedrine or pseudoephedrine products in the course of legitimate business which is in the possession of pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, and which does not have a state and federal controlled substances registration, shall return these products to a manufacturer or distributor or transfer them to an authorized controlled substance registrant.

8.] **13.** Any person who knowingly or recklessly violates this section is guilty of a class A misdemeanor **as well as a civil fine of up to ten thousand dollars.**

[9. The provisions of subsection 2 of this section limiting individuals from purchasing the specified amount in any thirty-day period shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form. However, no person shall purchase, receive, or otherwise acquire more than nine grams of any compound, mixture, or preparation excluded in subsection 17 or 18 of section 195.017, in a single purchase as provided in subsection 2 of this section.]"; and

Further amend the title and enacting clause accordingly.

Senator Koster moved that the above amendment be adopted, which motion failed.

Senator Scott moved that **SCS** for **SB 724** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 724** was declared perfected and ordered printed.

RESOLUTIONS

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 1814

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Jefferson City Downtown Rotary Club has sought to instill values of high integrity within our youth and to provide an opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate and House Chambers for beneficial purposes; and

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fourth General Assembly hereby grant the Jefferson City Rotary Club permission to use the Senate Chamber for the purpose of conducting Student Government Day on the morning of Monday, March 17, 2008.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1814** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 1814** was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 1815

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fourth General Assembly, that the Missouri Catholic Conference be hereby granted permission to use the Senate Chamber and the Senate Hearing Rooms from 7:00 a.m. to 7:00 p.m. on October 4, 2008, for the purpose of a citizens assembly and workshops.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1815** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 1815** was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 1816

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate Chamber for the purpose of their regular session from 8:00 a.m. to 4:30 p.m. on October 16, 2008 and from 8:00 a.m. to 12 noon on October 17, 2008.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose

of taking **SR 1816** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 1816** was adopted.

Senator Coleman offered the following resolution:

SENATE RESOLUTION NO. 1817

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June 2008, the American Legion Auxiliary, Department of Missouri, is conducting the annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol where participants could gather to gain a more realistic insight into official governmental and electoral proceedings;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fourth General Assembly, hereby grant the adult leaders and participants of Missouri Girls State permission to use the Senate Chamber for the purpose of swearing in mock legislative officials and conducting a mock legislative session from 9:00 am to 12:30 pm on June 25, 2008.

Senator Coleman requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1817** up for adoption, which request was granted.

On motion of Senator Coleman, **SR 1817** was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1127—By Rupp and Crowell.

An Act to amend chapter 633, RSMo, by adding thereto one new section relating to the establishment of an office of autism services.

SB 1128—By Bray, Justus, Days and Wilson.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the persistence to graduation fund.

SB 1129—By Coleman.

An Act to repeal section 162.1100, RSMo, relating to transitional school districts.

SB 1130—By Stouffer.

An Act to repeal sections 144.054, 227.600, 227.615, and 227.645, RSMo, and to enact in lieu thereof five new sections relating to the Missouri public-private partnerships transportation act.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 11, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Venable M. Houts, 407 East Jefferson Avenue, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2012, and until his successor is duly appointed and qualified; vice, Stephen Del Vecchio.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 11, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Susan S. Jones, Democrat, 1408 Amesbury Avenue, Liberty, Clay County, Missouri 64068, as a member of the Clay County Board of Election Commissioners, for a term ending June 15, 2011, and until her successor is duly appointed and qualified; vice, Gerald Randall, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 11, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Anne G. Rottmann, 1409 Green Berry Road, Jefferson City, Cole County, Missouri 65101, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1661**, entitled:

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to state taxable income calculations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

COMMUNICATIONS

On behalf of President Pro Tem Gibbons, Senator Shields submitted the following:

February 12, 2008

Mrs. Terry Spieler
Secretary of the Senate
Capitol Building, Room 325
Jefferson City, MO 65101

Dear Terry:

I am hereby appointing Senator Jack Goodman to the Sentencing Advisory Commission.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Graham introduced to the Senate, Dr. William Kaufold, Dr. Dan Prescott and the Physician of the Day, Dr. William Walters, Columbia.

Senator Coleman introduced to the Senate, Carissa Klaas, M.D., David Diaz, M.D. and Raj Rathod, M.D., St. Louis.

Senator Mayer introduced to the Senate, Becky Shrum, Brent Tinker and a group of Poplar Bluff Young Republicans; and Mitchell Davis, Cody Knodell, Derek Spencer, Zack Stricker, Jonathan Dunham, Kyle York, Ethan Campbell, Aaron Henderson, Nathan Smith and Megan Richardson were made honorary pages.

Senator Justus introduced to the Senate, Ryan Vincent, M.D., Kansas City.

Senator Griesheimer introduced to the Senate, Shawn Brands, Wildwood.

Senator Green introduced to the Senate, his wife, Lisa Green, MSN, RN, their daughter, Megan, and Christy L. Jenkins, BSN, RN, Angela Zangara, SN, Julie Herkenhoff, SN, Jason Hoang, SN, Rachael Marks, SN, Tamara Carter, SN, Lauren Poston, SN, Ashley Krull, SN, Lisa Augustine, SN, Kara Eckman, SN, Emily Perulfi, SN, Emily Hose, SN, Jamie Mitchell, SN, Derek Pechacek, SN, Jenny Poss, SN and Judy Smith, MSN, RN, Goldfarb School of Nursing at Barnes Jewish College.

Senator Koster introduced to the Senate, Coach Bouchard, Coach Hannah, Coach Maxwell, H.T. "Wildcat" Adams and members of the 2007 Harrisonville High School Class 3 State Championship football team.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTIETH DAY—WEDNESDAY, FEBRUARY 13, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1089-Justus
SB 1090-Bray

SB 1091-Bray, et al
SB 1092-Engler

SB 1093-Loudon, et al	SB 1112-Clemens
SB 1094-Loudon	SB 1113-Bray, et al
SB 1095-Loudon	SB 1114-Bray
SB 1096-Graham	SB 1115-Bray, et al
SB 1097-Graham	SB 1116-Days
SB 1098-Bray and Engler	SB 1117-Smith
SB 1099-Graham	SB 1118-Griesheimer
SB 1100-Bray, et al	SB 1119-Griesheimer
SB 1101-Bray, et al	SB 1120-Loudon
SB 1102-Bray	SB 1121-Loudon
SB 1103-Gibbons	SB 1122-Ridgeway
SB 1104-Kennedy and Smith	SB 1123-Loudon
SB 1105-Coleman	SB 1124-Loudon
SB 1106-Scott	SB 1125-Crowell
SB 1107-Scott, et al	SB 1126-Scott
SB 1108-Scott	SB 1127-Rupp and Crowell
SB 1109-Scott	SB 1128-Bray, et al
SB 1110-Clemens	SB 1129-Coleman
SB 1111-Clemens	SB 1130-Stouffer

HOUSE BILLS ON SECOND READING

HB 2019-Icet	HB 1661-LeVota, et al
HB 2020-Icet	

SENATE BILLS FOR PERFECTION

- | | |
|--|--------------------------------------|
| 1. SB 935-Griesheimer, et al, with SCS | 6. SB 830-Coleman, with SCS |
| 2. SBs 747 & 736-Ridgeway and Gibbons,
with SCS | 7. SB 726-Shields, with SCS |
| 3. SB 759-Stouffer, with SCS | 8. SBs 840 & 857-Engler, with SCS |
| 4. SB 931-Purgason, with SCS | 9. SB 720-Coleman, with SCS |
| 5. SB 994-Crowell, with SCS | 10. SBs 761 & 774-Stouffer, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 711-Gibbons, et al, with SCS	SB 718-Kennedy, with SCS, SS for SCS and SA 1 (pending)
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CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 801-Ridgeway

SB 845-Rupp and Dempsey

SB 820-Rupp

SB 943-Clemens

SB 978-Griesheimer

SB 760-Stouffer, with SCS

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Journal of the Senate

SECOND REGULAR SESSION

TWENTIETH DAY—WEDNESDAY, FEBRUARY 13, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The prayer of the righteous is powerful and effective.” (James 5:16)

Gracious Father, we thank You for the attentiveness You give to the prayers of Your people. We are fortified by knowing that we come before You with our request on behalf of others and You will listen. We pray that You provide us the persistence to remain faithful in our praying and in the work that flows from them. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Callahan	Champion	Clemens	Coleman	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

Absent—Senators—None

Absent with leave—Senators

Bartle	Bray	Koster—3
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Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

On behalf of Senator Bray, Senator Coleman offered Senate Resolution No. 1818, regarding the Mid County Family YMCA, which was adopted.

Senator Rupp offered Senate Resolution No. 1819, regarding the Sixty-fourth Wedding Anniversary of John and Dorris Denny, O'Fallon, which was adopted.

Senator Rupp offered Senate Resolution No. 1820, regarding Daniel Robert "Dan" Zagaja, Lake St. Louis, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1821, regarding The Glas(s)cock Family Society of the USA, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1822, regarding The William W. McAfee Sr. Family Society of the USA, which was adopted.

Senators Goodman and Champion offered Senate Resolution No. 1823, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Breen Burk, Galena, which was adopted.

Senator Lager offered Senate Resolution No. 1824, regarding Lloyd Hansen, Hopkins, which was adopted.

Senator Lager offered Senate Resolution No. 1825, regarding Austin T. Kerns, Savannah, which was adopted.

Senator Lager offered Senate Resolution No. 1826, regarding Julian Gibson-Cornell, Maryville, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1827, regarding Chiara Ogle, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1828, regarding Ashley Cox, Saint Clair, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1829, regarding Wynn Scheer, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1830, regarding Michael Dixon, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1831, regarding Benjamin Daniel Woodruff, Eureka, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1832, regarding Joseph Richard Woodruff, Eureka, which was adopted.

Senator Crowell offered Senate Resolution No. 1833, regarding Annabelle Dianne Rhodes, Cape Girardeau, which was adopted.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1131—By Wilson.

An Act to repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to economic activity taxes for payment of tax increment financing projects.

SB 1132—By Days and Bray.

An Act to repeal sections 193.125 and 193.255, RSMo, and to enact in lieu thereof four new sections relating to adoption records.

SB 1133—By Ridgeway.

An Act to repeal section 304.130, RSMo, and to enact in lieu thereof one new section relating to the regulation of vehicular traffic by first class counties.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 724**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

SB 935, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Ridgeway, **SB 747** and **SB 736**, with **SCS**, were placed on the Informal Calendar.

SB 759, with **SCS**, was placed on the Informal Calendar.

Senator Purgason moved that **SB 931**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 931**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 931

An Act to amend chapter 267, RSMo, by adding thereto one new section relating to the national animal identification system.

Was taken up.

Senator Purgason moved that **SCS** for **SB 931** be adopted.

Senator Purgason offered **SS** for **SCS** for **SB 931**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 931

An Act to amend chapter 267, RSMo, by adding thereto one new section relating to the national animal identification system.

Senator Purgason moved that **SS** for **SCS** for **SB 931** be adopted, which motion prevailed.

Senator Scott assumed the Chair.

On motion of Senator Purgason, **SS** for **SCS** for **SB 931** was declared perfected and ordered printed.

SB 994, with **SCS**, was placed on the Informal Calendar.

Senator Coleman moved that **SB 830**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 830**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 830

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to combat veterans.

Was taken up.

Senator Coleman moved that **SCS** for **SB 830** be adopted.

Senator Shields offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 830, Page 1, Section 173.900, Line 10, by striking the word "All" and inserting in lieu thereof the following: "**Subject to appropriations, all public**"; and further amend said line, by inserting immediately after the word "education" the following: "**located in Missouri**".

Senator Shields moved that the above amendment be adopted.

At the request of Senator Shields, the above amendment was withdrawn.

Senator Coleman moved that **SCS** for **SB 830** be adopted, which motion prevailed.

On motion of Senator Coleman, **SCS** for **SB 830** was declared perfected and ordered printed.

SB 726, with **SCS**, was placed on the Informal Calendar.

Senator Crowell moved that **SB 994**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 994**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 994

An Act to repeal section 169.010, RSMo, and to enact in lieu thereof one new section relating to the public school retirement system of Missouri, with an emergency clause.

Was taken up.

Senator Crowell moved that **SCS** for **SB 994** be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS** for **SB 994** was declared perfected and ordered printed.

Senator Kennedy moved that **SB 718**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Rupp, **SA 1** was withdrawn.

Senator Rupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 6, Section 32.105, Line 20 of said page, by inserting immediately after said line the following:

“135.681. 1. The director of the department of economic development or the director's designee shall issue letter rulings regarding the tax credit program authorized under section 135.680, subject to the terms and conditions set forth in this section. The director of the department of economic development may impose additional terms and conditions consistent with this section to requests for letter rulings by regulation promulgated under chapter 536, RSMo. For the purposes of this section, the term “letter ruling” means a written interpretation of law to a specific set of facts provided by the applicant requesting a letter ruling.

2. The director or director's designee shall respond to a request for a letter ruling within sixty days of receipt of such request. The applicant may provide a draft letter ruling for the department's consideration. The applicant may withdraw the request for a letter ruling, in writing, prior to the issuance of the letter ruling. The director or the director's designee may refuse to issue a letter ruling for good cause, but must list the specific reasons for refusing to issue the letter ruling. Good cause includes, but is not limited to:

(1) The applicant requests the director to determine whether a statute is constitutional or a regulation is lawful;

(2) The request involves a hypothetical situation or alternative plans;

(3) The facts or issues presented in the request are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue a letter ruling; and

(4) The issue is currently being considered in a rulemaking procedure, contested case, or other agency or judicial proceeding that may definitely resolve the issue.

3. Letter rulings shall bind the director and the director's agents and their successors until such time as the taxpayer or its shareholders, members, or partners, as applicable, claim all of such tax credits on a Missouri tax return, subject to the terms and conditions set forth in properly published regulations. The letter ruling shall apply only to the applicant.

4. Letter rulings issued under the authority of this section shall not be a rule as defined in section 536.010, RSMo, in that it is an interpretation issued by the department with respect to a specific set of facts and intended to apply only to that specific set of facts, and therefore shall not be subject to the rulemaking requirements of chapter 536, RSMo.

5. Information in letter ruling requests as described in section 620.014, RSMo, shall be closed to the public. Copies of letter rulings shall be available to the public provided that the applicant identifying information and otherwise protected information is redacted from the letter ruling as provided in subsection 1 of section 610.024, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

Senator Callahan offered SA 1 to SA 2:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 2, Section 135.681, Line 13, by inserting immediately after “3.” the following (1);

And further amend said page, same section, line 19 by inserting immediately after all of said line the following “**(2) If, at any time after the issuance of a letter under this section, the director determines that the taxpayer no longer qualifies for a tax credit under law, the director may withdraw the letter ruling and such letter ruling shall have no legal effect. In the event the director withdraws a letter ruling, such letter ruling shall not be admissible as evidence in a court proceeding for any purpose.**”

Senator Callahan moved that the above amendment be adopted, which motion failed.

SA 2 was again taken up.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Pages 12-19, Section 620.495, by striking all of said section of the bill; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted.

At the request of Senator Griesheimer, SA 3 was withdrawn.

Senator Engler offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 18, Section 620.495, Line 10, by inserting immediately after the word “year” the following:

“, provided that no less than twenty-five percent of the amount of tax credits issued annually under this section shall be issued for contributions benefitting small business incubators located in rural areas, as such term is defined under section 620.1878, RSMo”.

Senator Engler moved that the above amendment be adopted.

At the request of Senator Kennedy, SB 718, with SCS, SS for SCS and SA 4 (pending), was placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 6:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Callahan.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 2019—Appropriations.

HB 2020—Appropriations.

INTRODUCTIONS OF GUESTS

Senator Shoemyer introduced to the Senate, Cheryl Mack, Linda Stinson and members of the Mark Twain High School FCCLA, Center.

Senator Ridgeway introduced to the Senate, Kate Kresl, Amanda Hanson, Vicky Steele, Shelly Stotts, and Courtney Mace, Missouri Dental Hygiene Association.

On behalf of Senator Green and herself, Senator Coleman introduced to the Senate, Issac and Beverly Robinson, Florissant.

Senator Coleman introduced to the Senate, Mary Armstrong, Sheryl Davenport and Kelly Parks, St. Louis.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Tad Berry, M.D., St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FIRST DAY—THURSDAY, FEBRUARY 14, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1089-Justus
SB 1090-Bray
SB 1091-Bray, et al
SB 1092-Engler
SB 1093-Loudon, et al
SB 1094-Loudon
SB 1095-Loudon
SB 1096-Graham
SB 1097-Graham
SB 1098-Bray and Engler
SB 1099-Graham
SB 1100-Bray, et al
SB 1101-Bray, et al

SB 1102-Bray
SB 1103-Gibbons
SB 1104-Kennedy and Smith
SB 1105-Coleman
SB 1106-Scott
SB 1107-Scott, et al
SB 1108-Scott
SB 1109-Scott
SB 1110-Clemens
SB 1111-Clemens
SB 1112-Clemens
SB 1113-Bray, et al
SB 1114-Bray

SB 1115-Bray, et al
 SB 1116-Days
 SB 1117-Smith
 SB 1118-Griesheimer
 SB 1119-Griesheimer
 SB 1120-Loudon
 SB 1121-Loudon
 SB 1122-Ridgeway
 SB 1123-Loudon
 SB 1124-Loudon

SB 1125-Crowell
 SB 1126-Scott
 SB 1127-Rupp and Crowell
 SB 1128-Bray, et al
 SB 1129-Coleman
 SB 1130-Stouffer
 SB 1131-Wilson
 SB 1132-Days and Bray
 SB 1133-Ridgeway

HOUSE BILLS ON SECOND READING

HB 1661-LeVota, et al

THIRD READING OF SENATE BILLS

SCS for SB 724-Scott, et al

SENATE BILLS FOR PERFECTION

SBs 840 & 857-Engler, with SCS
 SB 720-Coleman, with SCS

SBs 761 & 774-Stouffer, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 711-Gibbons, et al, with SCS
 SB 718-Kennedy, with SCS, SS for SCS and
 SA 4 (pending)
 SB 726-Shields, with SCS

SBs 747 & 736-Ridgeway and Gibbons,
 with SCS
 SB 759-Stouffer, with SCS
 SB 935-Greisheimer, et al, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 801-Ridgeway
 SB 845-Rupp and Dempsey
 SB 820-Rupp

SB 943-Clemens
 SB 978-Griesheimer
 SB 760-Stouffer, with SCS

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FIRST DAY—THURSDAY, FEBRUARY 14, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Behold, you are beautiful, my love, behold, you are beautiful.” (Song of Solomon 4:1)

Loving God, You have taught us the power and greatness of love and would have us love one another and those You have given us to love. So on this Valentine’s Day we give You thanks and praise for those who love us. Especially we are thankful for those we share the joys of life and to whom we return this day. May we be increasingly aware of the sacrifice they make so we may do our job here, caring for those details that challenge their day and often tax their spirit. Help us to be thankful and grateful for their efforts and celebrate the love they share with us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Kennedy
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson—29			

Absent—Senators—None

Absent with leave—Senators

Bray	Justus	Koster	Rupp	Smith—5
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Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Barnitz offered Senate Resolution No. 1834, regarding Richard Brian Sippel, Montgomery City, which was adopted.

Senator Barnitz offered Senate Resolution No. 1835, regarding Donna Sanborn, Bourbon, which was adopted.

Senator Barnitz offered Senate Resolution No. 1836, regarding Mr. and Mrs. Steven Michael Patterson, which was adopted.

Senator Barnitz offered Senate Resolution No. 1837, regarding the Bunker R-III School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1838, regarding the Crawford County R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1839, regarding the Montgomery County R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1840, regarding the Richland R-IV School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1841, regarding the Rolla School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1842, regarding the Gasconade County R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1843, regarding the Gasconade Co. R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1844, regarding the Osage County R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1845, regarding the Osage County R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1846, regarding the Osage County R-III School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1847, regarding the Waynesville R-VI School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1848, regarding the Oak Hill R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1849, regarding the Wellsville-Middletown R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1850, regarding the Dent-Phelps R-III School District,

which was adopted.

Senator Barnitz offered Senate Resolution No. 1851, regarding the Green Forest R-II School District, which was adopted.

Senator Green offered Senate Resolution No. 1852, regarding the One Hundred First Birthday of Elizabeth A. Williams, St. Louis, which was adopted.

Senator Green offered Senate Resolution No. 1853, regarding Stephen Schoemehl, which was adopted.

Senator Stouffer offered Senate Resolution No. 1854, regarding George W. Spencer, DVM, Macon, which was adopted.

Senator Stouffer offered Senate Resolution No. 1855, regarding Logan Chrislaw, which was adopted.

Senator Stouffer offered Senate Resolution No. 1856, regarding the death of Joseph John Polak, Jr., Macon, which was adopted.

Senator Goodman offered Senate Resolution No. 1857, regarding Loren Woodrum, Mount Vernon, which was adopted.

Senator Graham offered Senate Resolution No. 1858, regarding Carl Michael Edwards, II, Columbia, which was adopted.

Senator Bartle offered Senate Resolution No. 1859, regarding Logan Scott Terry, Lee's Summit, which was adopted.

Senator Barnitz offered Senate Resolution No. 1860, regarding Police Chief Donald L. McCulloch, Waynesville, which was adopted.

Senator Barnitz offered Senate Resolution No. 1861, regarding Christina Burkholder, Belle, which was adopted.

Senator Barnitz offered Senate Resolution No. 1862, regarding Brandy Barnes, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 1863, regarding Paige Cuglietta, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 1864, regarding Donna McKeever, Jerome, which was adopted.

Senator Barnitz offered Senate Resolution No. 1865, regarding Heather Frayer, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 1866, regarding Andrea Rolufs, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 1867, regarding Julianne Marie Skaggs, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 1868, regarding Sarah Margaret Grahl, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 1869, regarding Adrianna Michelle Stagner, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 1870, regarding Kayleigh Marie Jones, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 1871, regarding the Ninetieth Birthday of Dorcas Oberg, Hermann, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1134—By Callahan.

An Act to repeal section 143.011, RSMo, and to enact in lieu thereof one new section relating to income taxation of resident taxpayers filing combined returns.

SB 1135—By Callahan.

An Act to repeal section 88.917, RSMo, and to enact in lieu thereof one new section relating to street grading in certain cities.

SB 1136—By Callahan.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof four new sections relating to tax incentives for secondary mining uses.

SB 1137—By Green.

An Act to repeal sections 409.1-102, 409.2-202, 409.3-304, 409.4-401, 409.4-404, 409.4-408, 409.4-412, 409.5-501, 409.6-604, and 409.6-607, RSMo, and to enact in lieu thereof ten new sections relating to the Missouri securities act.

SB 1138—By McKenna.

An Act to amend chapter 292, RSMo, by adding thereto one new section relating to occupational safety and health administration training requirements for certain employees, with penalty provisions and an effective date.

SB 1139—By Dempsey, Goodman, Rupp and Ridgeway.

An Act to repeal sections 58.720, 194.210, 194.220, 194.230, 194.233, 194.240, 194.250, 194.260, 194.270, 194.280, 194.290, 194.304, and 302.171, RSMo, and to enact in lieu thereof twenty-seven new sections relating to anatomical gifts, with penalty provisions.

SB 1140—By Vogel.

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the administrative trust fund, with an emergency clause.

SB 1141—By Vogel.

An Act to repeal sections 26.215, 26.220, 26.225, 27.090, 27.095, 27.100, 28.300, 28.305, 28.310, 29.400, 29.405, 29.410, 30.500, 30.505, and 30.510, RSMo, and to enact in lieu thereof fifteen new sections relating to the transition period for statewide elected officials.

SB 1142—By Purgason.

An Act to repeal section 478.705, RSMo, and to enact in lieu thereof one new section relating to the

twenty-sixth judicial circuit.

SB 1143—By Mayer.

An Act to amend chapter 484, RSMo, by adding thereto one new section relating to deceptive television advertisements for legal services.

SB 1144—By Mayer.

An Act to repeal sections 162.675, 162.730, 162.740, 162.755, 162.780, 162.785, 162.810, and 168.520, RSMo, and to enact in lieu thereof eight new sections relating to the state schools for severely handicapped children.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 931**; **SCS** for **SB 830**; and **SCS** for **SB 994**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Thomas L. Couch, as a member of the State Blasting Safety Board;

Also,

Gary J. Pendergrass, as a member of the Board of Geologist Registration;

Also,

Todd H. Epsten, as a member of the Saint Louis City Board of Police Commissioners;

Also,

John D. Starr, Democrat, as a member of the Missouri Development Finance Board;

Also,

Jolene M. Schulz, Democrat, as a member of the Missouri Community Service Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations,

submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 901**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 929**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 788**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 970**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 953**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 723**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 951**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1010**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 765**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 732**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 778**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 754** and **SB 794**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 781**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 818** and **SB 795**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason, Chairman of the Committee on Health and Mental Health, submitted the following reports:

Mr. President: Your Committee on Health and Mental Health, to which was referred **SB 1068**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Health and Mental Health, to which was referred **SB 821**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Nodler, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HB 2019**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 2020**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 997**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 806**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mayer, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 1066**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 762**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 958**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 907**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 935**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 935**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 935

An Act to repeal sections 57.280, 488.435, and 650.350, RSMo, and to enact in lieu thereof four new sections relating to deputy sheriffs' salaries.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 935** be adopted.

Senator Mayer assumed the Chair.

Senator Goodman assumed the Chair.

Senator Mayer assumed the Chair.

Senator Griesheimer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 935, Page 1, Section 57.278, Line 5, by inserting immediately after the word “salaries” the following:

“, and employee benefits resulting from such salary increases,”; and

Further amend said bill, Page 5, Section 650.350, Line 15, by striking the word “know” and inserting in lieu thereof the following: **“known”**.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SCS for SB 935**, as amended, be adopted, which motion prevailed.

Senator Griesheimer moved that **SCS for SB 935**, as amended, be declared perfected and ordered printed and requested a roll call vote be taken. He was joined in his request by Senators Crowell, Kennedy, Scott and Shields.

SCS for SB 935, as amended, was declared perfected and ordered printed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Coleman	Crowell	Dempsey	Engler
Gibbons	Goodman	Graham	Griesheimer	Kennedy	Lager	Loudon	Mayer
McKenna	Ridgeway	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—24

NAYS—Senators

Bartle Days—2

Absent—Senators

Green Nodler Purgason—3

Absent with leave—Senators

Bray Justus Koster Rupp Smith—5

Vacancies—None

REFERRALS

President Pro Tem Gibbons referred the Gubernatorial Appointments appearing on page 212 of the Senate Journal for Monday, February 11, 2008, and pages 226 through 227 of the Senate Journal for Tuesday, February 12, 2008, to the Committee on Gubernatorial Appointments.

President Pro Tem Gibbons referred **SS for SCS for SB 931** and **SCS for SB 724** to the Committee on Governmental Accountability and Fiscal Oversight.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1089—Economic Development, Tourism and Local Government.

SB 1090—Small Business, Insurance and Industrial Relations.

SB 1091—Small Business, Insurance and Industrial Relations.

SB 1092—Education.

SB 1093—Small Business, Insurance and Industrial Relations.

SB 1094—Seniors, Families and Public Health.

SB 1095—Judiciary and Civil and Criminal Jurisprudence.

SB 1096—Pensions, Veterans' Affairs and General Laws.

SB 1097—Judiciary and Civil and Criminal Jurisprudence.

SB 1098—Small Business, Insurance and Industrial Relations.

SB 1099—Transportation.

SB 1100—Commerce, Energy and the Environment.

SB 1101—Health and Mental Health.

SB 1102—Financial and Governmental Organizations and Elections.

SB 1103—Seniors, Families and Public Health.

SB 1104—Judiciary and Civil and Criminal Jurisprudence.

SB 1105—Ways and Means.

SB 1106—Seniors, Families and Public Health.

SB 1107—Financial and Governmental Organizations and Elections.

SB 1108—Financial and Governmental Organizations and Elections.

SB 1109—Financial and Governmental Organizations and Elections.

SB 1110—Small Business, Insurance and Industrial Relations.

SB 1111—Agriculture, Conservation, Parks and Natural Resources.

SB 1112—Small Business, Insurance and Industrial Relations.

SB 1113—Health and Mental Health.

SB 1114—Commerce, Energy and the Environment.

SB 1115—Small Business, Insurance and Industrial Relations.

SB 1116—Commerce, Energy and the Environment.

SB 1117—Ways and Means.

SB 1118—Governmental Accountability and Fiscal Oversight.

SB 1119—Financial and Governmental Organizations and Elections.

SB 1120—Seniors, Families and Public Health.

SB 1121—Small Business, Insurance and Industrial Relations.

SB 1122—Small Business, Insurance and Industrial Relations.

SB 1123—Judiciary and Civil and Criminal Jurisprudence.

SB 1124—Judiciary and Civil and Criminal Jurisprudence.

SB 1125—Ways and Means.

SB 1126—Financial and Governmental Organizations and Elections.

SB 1127—Seniors, Families and Public Health.

SB 1128—Education.

SB 1129—Education.

SB 1130—Ways and Means.

SB 1131—Economic Development, Tourism and Local Government.

SB 1132—Seniors, Families and Public Health.

SB 1133—Economic Development, Tourism and Local Government.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 13, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Steve W. Luecker, Democrat, 4247 Orchard Road, New Haven, Franklin County, Missouri 63068, as a member of the State Fair Commission, for a term ending December 29, 2011, and until his successor is duly appointed and qualified; vice, Jerry Divin, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 13, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Terry M. Mackey, 1314 North Jefferson, Mexico, Audrain County, Missouri 65265, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 13, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ronald D. Scheiderer, Democrat, 703 East Hillcrest Drive, Salisbury, Chariton County, Missouri 65281, as a member of the State Fair Commission, for a term ending December 29, 2011, and until his successor is duly appointed and qualified; vice, Jack Magruder, term expired.

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial

Appointments.

INTRODUCTIONS OF GUESTS

Senator Goodman introduced to the Senate, Paul Von Adam, Branson.

Senator Goodman introduced to the Senate, his wife, Laura, and their sons, Jack Elliott and William True, Mt. Vernon; and Jack Elliott and William True were made honorary pages.

Senator Shields introduced to the Senate, Ret. Sgt. Jared Feldman, Willard; Lt. Joe Bogart, Ft. Leonard Wood; Ret. Sgt. Bobby Lisek and his father, Ret. Marine Richard Lisek, Springfield; and Wil White, Camp Hope.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, February 18, 2008.

SENATE CALENDAR

TWENTY-SECOND DAY—MONDAY, FEBRUARY 18, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1134-Callahan
 SB 1135-Callahan
 SB 1136-Callahan
 SB 1137-Green
 SB 1138-McKenna
 SB 1139-Dempsey, et al

SB 1140-Vogel
 SB 1141-Vogel
 SB 1142-Purgason
 SB 1143-Mayer
 SB 1144-Mayer

HOUSE BILLS ON SECOND READING

HB 1661-LeVota, et al

THIRD READING OF SENATE BILLS

SCS for SB 724-Scott, et al
 (In Fiscal Oversight)
 SS for SCS for SB 931-Purgason
 (In Fiscal Oversight)

SCS for SB 830-Coleman
 SCS for SB 994-Crowell

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| 1. SBs 840 & 857-Engler, with SCS | 10. SB 781-Smith, with SCS |
| 2. SB 720-Coleman, with SCS | 11. SBs 818 & 795-Rupp, et al, with SCS |
| 3. SBs 761 & 774-Stouffer, with SCS | 12. SB 821-Shoemyer, with SCS |
| 4. SB 929-Green and Callahan, with SCS | 13. SB 997-Crowell |
| 5. SB 788-Scott, with SCS | 14. SB 806-Engler, with SCS |
| 6. SB 765-Goodman, et al, with SCS | 15. SB 1066-Ridgeway, et al |
| 7. SB 732-Champion, et al, with SCS | 16. SB 762-Wilson, et al |
| 8. SB 778-Justus, with SCS | 17. SB 958-Goodman |
| 9. SBs 754 & 794-Mayer and Loudon, with
SCS | 18. SB 907-Engler and Gibbons, with SCS |

HOUSE BILLS ON THIRD READING

HB 2019-Icet (Nodler)

HB 2020-Icet, with SCS (Nodler)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 711-Gibbons, et al, with SCS	SBs 747 & 736-Ridgeway and Gibbons,
SB 718-Kennedy, with SCS, SS for SCS	with SCS
and SA 4 (pending)	SB 759-Stouffer, with SCS
SB 726-Shields, with SCS	

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 801-Ridgeway	SB 943-Clemens
SB 845-Rupp and Dempsey	SB 978-Griesheimer
SB 820-Rupp	SB 760-Stouffer, with SCS

Reported 2/14

SB 901-Loudon, et al, with SCS

SB 970-Scott

SB 953-Scott

SB 723-Scott

SB 951-Scott, with SCS

SB 1010-Nodler

SB 1068-Mayer

✓

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SECOND DAY—MONDAY, FEBRUARY 18, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I have been driven many times to my knees by the overwhelming conviction that I had absolutely no other place to go.” (Abraham Lincoln)

Almighty God, we remember this day for those presidents who have served You and our nation often during extremely stressful times. We gain wisdom from what they have to teach us and that helps us to know better how to do what You desire of us. We see in Lincoln and Washington their witness to fall to their knees and ask for strength and guidance and then make difficult decisions and live with the responsibilities of them. Help us to have such humility and willingness to do the same before You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 14, 2008 was read and approved.

Senator Shields announced that Gene Baumann had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

The Lieutenant Governor was present.

Senator Griesheimer assumed the Chair.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 1872, regarding Bethany Baptist Church, Cape Girardeau, which was adopted.

Senator Goodman offered Senate Resolution No. 1873, regarding Ray A. Carver, Pierce City, which was adopted.

Senator Kennedy offered Senate Resolution No. 1874, regarding Marjorie Witt, St. Louis County, which was adopted.

Senator Kennedy offered Senate Resolution No. 1875, regarding Cheryl Carmon, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 1876, regarding Karen Giesler, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 1877, regarding Shelley Smith, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 1878, regarding Stephanie Marie Malin, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 1879, regarding Kena Harrison, which was adopted.

Senator Gibbons offered Senate Resolution No. 1880, regarding Carol S. Porter, Ballwin, which was adopted.

Senator Kennedy offered Senate Resolution No. 1881, regarding Kristene Evans, which was adopted.

Senator Champion offered Senate Resolution No. 1882, regarding Dale Price, Springfield, which was adopted.

Senator Graham offered Senate Resolution No. 1883, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Joseph Alvin McGennis, Boonville, which was adopted.

Senator Shields offered Senate Resolution No. 1884, regarding Marcia Steeby, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 1885, regarding Rebecca Callaway, which was adopted.

Senator Shields offered Senate Resolution No. 1886, regarding Danyelle Gouzales, which was adopted.

Senator Shields offered Senate Resolution No. 1887, regarding Angela Dorsey, which was adopted.

Senator Shields offered Senate Resolution No. 1888, regarding Kelly Lock, which was adopted.

Senator Shields offered Senate Resolution No. 1889, regarding Gwendolyn Funk, which was adopted.

Senator Shields offered Senate Resolution No. 1890, regarding Luanne Haggard, which was adopted.

On behalf of Senator Bray, Senator Coleman offered Senate Resolution No. 1891, regarding Chris Motoki, Clayton, which was adopted.

On behalf of Senator Bray, Senator Coleman offered Senate Resolution No. 1892, regarding Andrew Dallas, Clayton, which was adopted.

Senator McKenna offered Senate Resolution No. 1893, regarding Bev Ann Coleman, which was adopted.

Senator McKenna offered Senate Resolution No. 1894, regarding Julia Anne Newberry, which was adopted.

Senator McKenna offered Senate Resolution No. 1895, regarding the Eightieth Birthday of Ethel Bernice Sellers Martin, Arnold, which was adopted.

Senator Graham offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1896

Whereas, the members of the Missouri Senate hold in high esteem those Show-Me State residents who bring glory and honor to themselves and to this great state through the excellence of their achievements in their chosen fields of endeavor; and

Whereas, Carl Michael Edwards, II, of Columbia, Missouri, has attained considerable distinction as a race car driver who has competed in the NASCAR Nextel Cup Series, Busch Cup Series, and Craftsman Truck Series and in various sprint and modified car races at local and regional tracks; and

Whereas, Carl Edwards enhanced his already impressive record of accomplishment when he placed First in the NASCAR Busch Series Championships in 2007; and

Whereas, the nineteenth different Busch Series Champion in the twenty-six years of the modern-era series, Carl Edwards was born on August 15, 1979, in Columbia and graduated from Rock Bridge High School; and

Whereas, Carl Edwards first began automobile racing in 1992 with four-cylinder mini-sprints at the age of thirteen, and the very next year he won four feature races at tracks in Missouri and Illinois; and

Whereas, after racing on dirt tracks for several years, Carl Edwards moved into NASCAR in 2002 when he entered seven NASCAR Craftsman Truck Series events for MB Motorsports; and

Whereas, Carl Edwards was named the NASCAR Craftsman Truck Series Rookie of the Year in 2003 and the NASCAR Busch Series Runner-up and Rookie of the Year in 2005; and

Whereas, racing full-time in the Nextel Cup Series beginning in 2005, Carl Edwards completed a breakthrough season by finishing third overall and winning the Rookie of the Year Award in the Nextel Cup Series; and

Whereas, Carl Edwards, the son of Carl Edwards, Sr., and Nancy and Jim Sterling, all of Columbia, continues to reside in Columbia, and he has endeared himself to his hometown fans through his many acts of charity and by remaining humble despite his international celebrity:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fourth General Assembly, join to applaud the personal and professional accomplishments garnered thus far in the life and work of Carl Edwards and to convey to him this legislative body's most heartfelt congratulations upon winning the 2007 NASCAR Busch Cup Series; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to Carl Edwards of Columbia, Missouri.

Senator Callahan offered Senate Resolution No. 1897, regarding the death of Lamar Hunt, Kansas City, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1145—By Scott.

An Act to amend chapter 49, RSMo, by adding thereto one new section relating to noise ordinances.

SB 1146—By Clemens.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to a property tax credit for certain expenses incurred by freight line companies.

SB 1147—By Koster.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to paternity determinations.

SB 1148—By Koster.

An Act to amend chapter 379, RSMo, by adding thereto one new section relating to mandating automobile insurance discounts for the installation of anti-theft mechanisms.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 14, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James B. Chappell, Republican, 15 N.W. 44th Street, Kansas City, Clay County, Missouri 64116, as a member of the Clay County Board of Election Commissioners, for a term ending June 15, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 14, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Drue W. Duncan, 3702 Cross Timber Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri State Advisory Council on Pain and Symptom Management, for a term ending February 1, 2010, and until his successor is duly appointed and qualified; vice, Jerry Johnson, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 14, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

S. Lee Kling, Democrat, 17 Country Life Acres, Saint Louis, Saint Louis County, Missouri 63131, as a member of the Missouri Development Finance Board, for a term ending September 14, 2011, and until his successor is duly appointed and qualified; vice, Paul Lindsey, term expired.

Respectfully submitted,
MATT BLUNT

THIRD READING OF SENATE BILLS

SCS for SB 830, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 830

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to combat veterans.

Was taken up by Senator Coleman.

On motion of Senator Coleman, **SCS for SB 830** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 994, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 994

An Act to repeal section 169.010, RSMo, and to enact in lieu thereof one new section relating to the public school retirement system of Missouri, with an emergency clause.

Was taken up by Senator Crowell.

On motion of Senator Crowell, **SCS for SB 994** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Graham Purgason—2

Absent with leave—Senator Bray—1

Vacancies—None

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING**HB 2019**, introduced by Representative Icet, entitled:

An Act to appropriate money for supplemental purposes for the University of Missouri, for the purchase of equipment, and for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements, from the funds designated for the fiscal period ending June 30, 2008.

Was taken up by Senator Nodler.

On motion of Senator Nodler, **HB 2019** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Coleman	Crowell	Days	Dempsey
Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy	Koster
Lager	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senators

Bartle	Engler	Loudon—3
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Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 2020, with **SCS**, introduced by Representative Icet, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, for the purchase of equipment, and for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements, from the funds designated for the fiscal period ending June 30, 2008.

Was taken up by Senator Nodler.

SCS for **HB 2020**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2020

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, for the purchase of equipment, and for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements, from the funds designated for the fiscal period ending June 30, 2008.

Was taken up.

Senator Nodler moved that **SCS** for **HB 2020** be adopted.

Senator Nodler offered **SS** for **SCS** for **HB 2020**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2020

An Act to appropriate money for supplemental purposes for the several departments and offices of state

government, for the purchase of equipment, and for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements, from the funds designated for the fiscal period ending June 30, 2008.

Senator Nodler moved that **SS** for **SCS** for **HB 2020** be adopted, which motion prevailed.

On motion of Senator Nodler, **SS** for **SCS** for **HB 2020**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Purgason—1

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Kennedy moved that **SB 718**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 4 was again taken up.

At the request of Senator Engler, the above amendment was withdrawn.

Senator Dempsey offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 15, Section 620.495, Line 24, by inserting after the word “section” the following: “; and

(9) Provide a report to the department containing the identity of each tenant within the incubator, a brief description of the nature of the business of such tenant, and the date in which such tenant established tenancy within the incubator. Such report shall be updated on an annual basis and provided to the department”; and

Further amend said bill and section, Page 17, Line 3 of said page, by inserting immediately after the word “provided” the following: “; and

(8) The identity of all current tenants, a brief description of the nature of the business of such

tenants, and the date in which such tenants established tenancy within incubators in this state”.

Senator Dempsey moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 6, Section 32.105, Line 20, by inserting immediately after all of said line the following:

“135.815. **1.** Prior to authorization of any tax credit application, an administering agency shall verify through the department of revenue that the tax credit applicant does not owe any delinquent income, sales, or use taxes, or interest or penalties on such taxes, and through the department of insurance that the applicant does not owe any delinquent insurance taxes. Such delinquency shall not affect the authorization of the application for such tax credits, except that the amount of credits issued shall be reduced by the applicant's tax delinquency. If the department of revenue or the department of insurance concludes that a taxpayer is delinquent after June fifteenth but before July first of any year, and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits towards a tax delinquency, the administering agency shall notify the appropriate department, and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

2. Any applicant of a tax credit program contained in the definition of the term “all tax credit programs” who knowingly employs unauthorized aliens shall forfeit any tax credits issued to such applicant which have not been redeemed, and shall repay the amount of any tax credits redeemed by such applicant during the period of time such unauthorized alien was employed by the applicant.”;
and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Shields offered **SSA 1** for **SA 6**:

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 6**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 6, Section 32.105, Line 20, by inserting immediately after all of said line the following:

“135.815. **1.** Prior to authorization of any tax credit application, an administering agency shall verify through the department of revenue that the tax credit applicant does not owe any delinquent income, sales, or use taxes, or interest or penalties on such taxes, and through the department of insurance that the applicant does not owe any delinquent insurance taxes. Such delinquency shall not affect the authorization of the application for such tax credits, except that the amount of credits issued shall be reduced by the applicant's tax delinquency. If the department of revenue or the department of insurance concludes that a taxpayer is delinquent after June fifteenth but before July first of any year, and the application of tax credits

to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits towards a tax delinquency, the administering agency shall notify the appropriate department, and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

2. Any applicant of a tax credit program contained in the definition of the term “all tax credit programs” who purposely and directly employs unauthorized aliens shall forfeit any tax credits issued to such applicant which have not been redeemed, and shall repay the amount of any tax credits redeemed by such applicant during the period of time such unauthorized alien was employed by the applicant. As used in this subsection, the term “unauthorized alien” shall mean an alien who does not have the legal right or authorization under federal law to work in the United States, as defined under 8 U.S.C. 1324a(h)(3).”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above substitute amendment be adopted, which motion prevailed.

Senator Lager offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 24, Section 620.1878, Line 20 of said page, by inserting after “(24)” the following:

“Qualified renewable energy sources”, means:

- (a) Open-looped biomass;**
- (b) Close-looped biomass;**
- (c) Solar;**
- (d) Wind;**
- (e) Geothermal**
- (f) Hydropower;**

(25)”; and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill and section, Page 26, Line 26 of said page, by inserting after “devices” the following: **“or which owns or leases a facility which produces electricity derived from qualified renewable energy sources, or produces fuel for the generation of electricity from qualified renewable energy sources, but does not include any company that has received the alcohol mixture credit, alcohol credit, or small ethanol producer credit under 26 U.S.C. Section 40 of the tax code in the previous tax year”**.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy moved that **SS for SCS for SB 718**, as amended, be adopted, which motion prevailed.

On motion of Senator Kennedy, **SS** for **SCS** for **SB 718**, as amended, was declared perfected and ordered printed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 935**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On behalf of Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, Senator Shields submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1038**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer assumed the Chair.

INTRODUCTIONS OF GUESTS

Senator Ridgeway introduced to the Senate, Elizabeth Andrew, Kirksville; and her parents, David and Laura Andrew, Warrensburg.

Senator Stouffer introduced to the Senate, representatives of the 4-H Legislative Academy.

On behalf of Senator Mayer and herself, Senator Coleman introduced to the Senate, Emily O'Neal, Bloomfield.

Senator Graham introduced to the Senate, Carl Edwards and Kate Downey, Columbia.

Senator Vogel introduced to the Senate, Allen and Les Fortenberry and Julie Allen, Jefferson City; and Allen was made an honorary page.

Senator Vogel introduced to the Senate, Nicholas Althoff, Jefferson City; and Nicholas was made an honorary page.

Senator Loudon introduced to the Senate, representatives of the Seventh Senatorial District Leadership Academy.

Senator Wilson introduced to the Senate, members of Omega Psi Phi Fraternity from around the state.

Senator Wilson introduced to the Senate, members of Delta Sigma Theta, Incorporated from around the state.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

 TWENTY-THIRD DAY—TUESDAY, FEBRUARY 19, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1134-Callahan	SB 1142-Purgason
SB 1135-Callahan	SB 1143-Mayer
SB 1136-Callahan	SB 1144-Mayer
SB 1137-Green	SB 1145-Scott
SB 1138-McKenna	SB 1146-Clemens
SB 1139-Dempsey, et al	SB 1147-Koster
SB 1140-Vogel	SB 1148-Koster
SB 1141-Vogel	

HOUSE BILLS ON SECOND READING

HB 1661-LeVota, et al

THIRD READING OF SENATE BILLS

SCS for SB 724-Scott, et al (In Fiscal Oversight)	SCS for SB 935-Griesheimer, et al
SS for SCS for SB 931-Purgason (In Fiscal Oversight)	

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| 1. SBs 840 & 857-Engler, with SCS | 9. SBs 754 & 794-Mayer and Loudon, with SCS |
| 2. SB 720-Coleman, with SCS | 10. SB 781-Smith, with SCS |
| 3. SBs 761 & 774-Stouffer, with SCS | 11. SBs 818 & 795-Rupp, et al, with SCS |
| 4. SB 929-Green and Callahan, with SCS | 12. SB 821-Shoemyer, with SCS |
| 5. SB 788-Scott, with SCS | 13. SB 997-Crowell |
| 6. SB 765-Goodman, et al, with SCS | 14. SB 806-Engler, with SCS |
| 7. SB 732-Champion, et al, with SCS | 15. SB 1066-Ridgeway, et al |
| 8. SB 778-Justus, with SCS | 16. SB 762-Wilson, et al |

17. SB 958-Goodman

19. SB 1038-Shields

18. SB 907-Engler and Gibbons, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 711-Gibbons, et al, with SCS

SB 759-Stouffer, with SCS

SB 726-Shields, with SCS

SBs 747 & 736-Ridgeway and Gibbons,
with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 801-Ridgeway

SB 943-Clemens

SB 845-Rupp and Dempsey

SB 978-Griesheimer

SB 820-Rupp

SB 760-Stouffer, with SCS

Reported 2/14

SB 901-Loudon, et al, with SCS

SB 951-Scott, with SCS

SB 970-Scott

SB 1010-Nodler

SB 953-Scott

SB 1068-Mayer

SB 723-Scott

✓

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-THIRD DAY—TUESDAY, FEBRUARY 19, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Be not wise in your own eyes; fear the Lord, and turn away from evil.” (Proverbs 3:7)

Merciful God, we continue to see violence and evil that takes the lives of Your people and its damages to people we know and care for. We know evil comes from the narcissistic who in their self absorbed wisdom afflict others for their gratification and lack of caring. So we pray for strength that we may deal effectively with such people and pass laws that protect society from such people. We pray for those injured and in pain from such evil that You may comfort and heal them and give them Your peace. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 1898, regarding Robert Stephen Burk, Webster Groves, which was adopted.

Senator Mayer offered Senate Resolution No. 1899, regarding Missouri Southern Healthcare Auxiliary, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 1900, regarding Rainbow Party Rentals, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 1901, regarding Specialty Engineering Corporation, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 1902, regarding William David Sifford, Puxico, which was adopted.

Senator Mayer offered Senate Resolution No. 1903, regarding Dexter Implement Company, which was adopted.

Senator Graham offered Senate Resolution No. 1904, regarding the 2007 Champion University of Missouri men's club soccer program, which was adopted.

Senator Graham offered Senate Resolution No. 1905, regarding Edward Berg, Columbia, which was adopted.

Senator Smith offered Senate Resolution No. 1906, regarding Cheree Mills, which was adopted.

Senator Smith offered Senate Resolution No. 1907, regarding Matthew McAllister, which was adopted.

Senator Smith offered Senate Resolution No. 1908, regarding Emily Kozlowski, which was adopted.

Senator Smith offered Senate Resolution No. 1909, regarding Christopher Holmes, which was adopted.

Senator Smith offered Senate Resolution No. 1910, regarding Terry Houston, which was adopted.

Senator Rupp offered Senate Resolution No. 1911, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Newell Fowler, Lake St. Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senator Barnitz offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 31

WHEREAS, Chamois, Missouri, is a community located along the Missouri River in northern Osage County which has no means to cross the river except by way of bridges located approximately 45 miles to the west and 30 miles to the east; and

WHEREAS, the people who live in Chamois incur increasingly high costs using present routes in order to reach destinations on the north side of the Missouri River for employment, recreation, and business; and

WHEREAS, people who live on the north side of the Missouri River are equally restricted from accessing destinations on the south side of the Missouri River, respectively; and

WHEREAS, locating a ferryboat on the Missouri River at Chamois would allow residents on both sides to cross the River, reducing travel times and travel costs, provide a safer route, and conserve fuel; and

WHEREAS, locating a ferryboat at Chamois would establish the only reported ferry on the Missouri River and would thereby promote

tourism on both sides of the River by attracting more visitors to the area and creating a driving destination for tourists visiting such communities as Hermann, Fulton, and Jefferson City; and

WHEREAS, locating a ferryboat at Chamois would likewise give residents on the south side of the River access to the Katy Trail located on the north side of the River; and

WHEREAS, numerous organizations have endorsed the ferryboat at Chamois, including but not limited to the Hermann Area Chamber of Commerce, the Fulton Area Chamber of Commerce, the county commissions for Osage and Callaway counties, the City of Mokane, the City of Chamois, and the Missouri Division of Tourism; and

WHEREAS, the promoters of the ferryboat at Chamois have requested federal and state funding for the project:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby express support for the Chamois ferryboat and urge the Missouri Department of Economic Development and the Missouri Department of Transportation, along with other state agencies and the Missouri Congressional Delegation, to assist in securing moneys for locating and construction of the ferryboat; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Governor Matt Blunt, Gregory A. Steinhoff, the Director of the Department of Economic Development, Peter Rahn, the Director of the Missouri Department of Transportation, and each member of the Missouri Congressional Delegation.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1149—By Engler.

An Act to repeal section 321.210, RSMo, and to enact in lieu thereof one new section relating to fire protection district board of director candidacy.

SB 1150—By Barnitz.

An Act to repeal sections 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-528, and 417.018, RSMo, and to enact in lieu thereof seven new sections relating to fees credited to the technology trust fund.

SB 1151—By Barnitz.

An Act to repeal section 355.151, RSMo, and to enact in lieu thereof one new section relating to corporate name reservation.

SB 1152—By Crowell.

An Act to repeal section 163.172, RSMo, and to enact in lieu thereof one new section relating to educational personnel compensation, with an emergency clause.

SB 1153—By Crowell.

An Act to repeal sections 169.130 and 169.650, RSMo, and to enact in lieu thereof two new sections relating to association admission for teacher and school employee retirement systems.

SB 1154—By Crowell.

An Act to amend chapter 169, RSMo, by adding thereto one new section relating to the indemnification for teacher and school employee retirement systems.

SB 1155—By Crowell.

An Act to repeal sections 169.040 and 169.630, RSMo, and to enact in lieu thereof two new sections relating to the investment of funds for teacher and school employee retirement systems.

SB 1156—By Crowell.

An Act to repeal sections 169.020, 169.040, 169.056, 169.070, 169.090, 169.130, 169.630, 169.650, 169.655, 169.670, and 169.690, RSMo, and to enact in lieu thereof twelve new sections relating to teacher and school employee retirement systems.

SB 1157—By Green.

An Act to authorize the conveyance of property owned by the state of Missouri in the city of St. Louis, with an emergency clause.

SB 1158—By Mayer.

An Act to amend chapter 160, RSMo, by adding thereto nineteen new sections relating to professional relationships between teachers and school districts, with penalty provisions.

SB 1159—By Gibbons.

An Act to repeal sections 191.225 and 595.045, RSMo, and to enact in lieu thereof three new sections relating to forensic examinations.

SB 1160—By Lager.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to natural gas safety penalties, with penalty provisions.

SB 1161—By Lager.

An Act to repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, and 30.765, RSMo, and to enact in lieu thereof six new sections relating to linked deposit loans for alternative energy production, with penalty provisions.

Senator Scott assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **SB 724** and **SS** for **SCS** for **SB 931**, begs leave to report that it has considered the same and recommends that the bills do pass.

SENATE BILLS FOR PERFECTION

Senator Gibbons moved that **SB 711**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 711**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 711**

An Act to repeal sections 67.110, 135.025, 135.030, 137.055, 137.073, 137.180, 137.245, 137.275, 137.355, 137.490, 137.720, 138.050, 138.090, 138.170, 138.180, 138.395, 138.430, and 139.031, RSMo, and to enact in lieu thereof eighteen new sections relating to property taxation, with penalty provisions.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 711** be adopted.

Senator Gibbons offered **SS** for **SCS** for **SB 711**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 711

An Act to repeal sections 67.110, 135.025, 135.030, 137.055, 137.073, 137.082, 137.180, 137.245, 137.275, 137.355, 137.490, 137.720, 138.050, 138.090, 138.170, 138.180, 138.395, 138.430, 139.031, 139.052, and 163.044, RSMo, and to enact in lieu thereof twenty-one new sections relating to property taxation, with penalty provisions.

Senator Gibbons moved that **SS** for **SCS** for **SB 711** be adopted.

Senator Gibbons offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Page 17, Section 137.073, Line 6, by inserting after the word “equal” the following: “**to**”.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Page 51, Section 163.044, Line 21, by inserting after all of said line the following:

“Section 1. For any school district seeking to increase its debt service tax levy, the question shall be submitted in substantially the following form:

Shall the school board of (name of district) be authorized to issue bonds in the amount of (amount in dollars) resulting in an estimated increase to the debt service tax levy of (amount of estimated increase) per one hundred dollars of assessed valuation? If this proposition is approved, the adjusted debt service levy of the school district is estimated to be (amount) per one hundred dollars of assessed valuation.”; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted.

At the request of Senator Gibbons, **SB 711**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 718**, begs leave to report that it has examined the same and finds that the bill has been

truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

At the request of Senator Engler, **SB 840** and **SB 857**, with **SCS**, were placed on the Informal Calendar.

SB 720, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Stouffer, **SB 761** and **SB 774**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Green, **SB 929**, with **SCS**, was placed on the Informal Calendar.

SB 788, with **SCS**, was placed on the Informal Calendar.

SB 765, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Champion, **SB 732**, with **SCS**, was placed on the Informal Calendar.

SB 778, with **SCS**, was placed on the Informal Calendar.

SB 754 and **SB 794**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Smith, **SB 781**, with **SCS**, was placed on the Informal Calendar.

SB 818 and **SB 795**, with **SCS**, were placed on the Informal Calendar.

SB 821, with **SCS**, was placed on the Informal Calendar.

SB 997 was placed on the Informal Calendar.

At the request of Senator Engler, **SB 806**, with **SCS**, was placed on the Informal Calendar.

SB 1066 was placed on the Informal Calendar.

Senator Wilson moved that **SB 762** be taken up for perfection, which motion prevailed.

On motion of Senator Wilson, **SB 762** was declared perfected and ordered printed.

Senator Shields assumed the Chair.

THIRD READING OF SENATE BILLS

SCS for **SB 724**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 724

An Act to repeal sections 195.070, 195.100, 334.104, and 335.016, RSMo, and to enact in lieu thereof five new sections relating to nurses.

Was taken up by Senator Scott.

On motion of Senator Scott, **SCS** for **SB 724** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Coleman	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Rupp	Scott

Shields Shoemyer Smith Stouffer Vogel Wilson—30

NAYS—Senator Ridgeway—1

Absent—Senators

Clemens Koster—2

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 931, introduced by Senator Purgason, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 931

An Act to amend chapter 267, RSMo, by adding thereto one new section relating to the national animal identification system.

Was taken up.

On motion of Senator Purgason, **SS for SCS for SB 931** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Coleman	Days	Dempsey	Engler
Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy	Loudon
Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Wilson—28				

NAYS—Senators

Crowell Koster Vogel—3

Absent—Senators

Clemens Lager—2

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SCS for **SB 935**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 935

An Act to repeal sections 57.280, 488.435, and 650.350, RSMo, and to enact in lieu thereof four new sections relating to deputy sheriffs' salaries.

Was taken up by Senator Griesheimer.

Senator Goodman assumed the Chair.

On motion of Senator Griesheimer, **SCS** for **SB 935** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Coleman	Crowell	Dempsey	Engler
Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy	Koster
Lager	Mayer	McKenna	Purgason	Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson—29			

NAYS—Senators

Bartle	Days	Loudon—3
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Absent—Senator Nodler—1

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 801, introduced by Senator Ridgeway, entitled:

An Act to repeal sections 84.480 and 84.510, RSMo, and to enact in lieu thereof two new sections relating to certain police officers' compensation.

Was called from the Consent Calendar and taken up.

Under the provisions of Senate Rule 91, Senator Wilson was excused from voting.

On motion of Senator Ridgeway, **SB 801** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy

Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel—31	

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senator Bray—1

Excused from voting—Senator Wilson—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 845, introduced by Senators Rupp and Dempsey, entitled:

An Act to repeal section 71.012, RSMo, and to enact in lieu thereof one new section relating to the annexing of certain public land.

Was called from the Consent Calendar and taken up by Senator Rupp.

On motion of Senator Rupp, **SB 845** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 820, introduced by Senator Rupp, entitled:

An Act to repeal section 48.030, RSMo, and to enact in lieu thereof one new section relating to counties changing classification.

Was called from the Consent Calendar and taken up.

On motion of Senator Rupp, **SB 820** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 943, introduced by Senator Clemens, entitled:

An Act to repeal sections 89.080, 89.090, and 305.410, RSMo, and to enact in lieu thereof three new sections relating to airport zoning.

Was called from the Consent Calendar and taken up.

On motion of Senator Clemens, **SB 943** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1380**, entitled:

An Act to repeal section 67.993, RSMo, and to enact in lieu thereof one new section relating to senior citizens' services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1386**, entitled:

An Act to repeal section 96.160, RSMo, and to enact in lieu thereof one new section relating to municipal health facilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1313**, entitled:

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to state purchasing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1311**, entitled:

An Act to repeal section 115.453, RSMo, and to enact in lieu thereof one new section relating to write-in candidates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Gibbons referred the Gubernatorial Appointments appearing on pages 256 and 257 of the Senate Journal for Monday, February 18, 2008 to the Committee on Gubernatorial Appointments.

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 718** to the Committee on Governmental Accountability and Fiscal Oversight.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1134—Ways and Means.

SB 1135—Economic Development, Tourism and Local Government.

SB 1136—Ways and Means.

SB 1137—Financial and Governmental Organizations and Elections.

SB 1138—Small Business, Insurance and Industrial Relations.

SB 1139—Financial and Governmental Organizations and Elections.

SB 1140—Financial and Governmental Organizations and Elections.

SB 1141—Financial and Governmental Organizations and Elections.

SB 1142—Judiciary and Civil and Criminal Jurisprudence.

SB 1143—Judiciary and Civil and Criminal Jurisprudence.

SB 1144—Education.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

February 19, 2008

Mrs. Terry Spieler
Secretary of the Senate
Capitol Building, Room 325
Jefferson City, MO 65101

Dear Terry:

I am hereby appointing Senator Brad Lager to the Joint Committee on Legislative Oversight Sub Committee.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

February 19, 2008

Mrs. Terry Spieler
Secretary of the Senate
Capitol Building, Room 325
Jefferson City, MO 65101

Dear Terry:

I am hereby appointing Senator Tom Dempsey and Senator Wes Shoemyer to the State Workforce Investment Board.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Tom Saak, M.D., St. Louis.

Senator Mayer introduced to the Senate, Ben Counce and a group of students from Caruthersville High School; and Wes Gibbons, Amy Grissom, Jerry Hudgens, Charles Huffman and Cordie Mitchell were made honorary pages.

Senator Shields introduced to the Senate, Derek Frieling and seven students from Lafayette High School.

Senator Champion introduced to the Senate, Jeff Robinson, Scott Kosky and Dick Keezer, Springfield.

Senator Kennedy introduced to the Senate, Lauren Seibel, Elizabeth Caputa, Katherine Kohnen, Hannah Pacheco and forty-two members of St. Catherine Laboure Girl Scout Troop 2446, St. Louis; and Lauren, Elizabeth, Katherine and Hannah were made honorary pages.

Senator Clemens introduced to the Senate, Terry Heimam, Steve Brown, Lisa Evans and 2007-2008 State FFA Officers, Dustin Myers, Farmington; Khristy Huber, Doniphan; Jeromie Allen, Stewartsville; Kabel Oaks and his parents Mr. and Mrs. Oaks, Galt; Rebecca Stephen, Stewartsville; Steven McCully, Milan; Logan Chrislaw, Fayette; Jordan Branstetter, Vandalia; Megan Dohrman, Sweet Springs; Brenda Arnold, Drexel; Ellen Amos, Russellville; Becca Bunton, Liberal; Mallory Francka, Bolivar; Kerri Mulford, Aurora; Sebastian Los, Clever; Zane Privette, Willow Springs; and Brandon Ray, Bourbon.

Senator Mayer introduced to the Senate, Jack and Caroline Bacon, Climax Springs; and Allison Bacon, St. Charles.

Senator Kennedy introduced to the Senate, Reverend James Witt and his wife, Peggy, St. Louis.

Senator Scott introduced to the Senate, Alexandra Cash, Cole Camp.

Senator Mayer introduced to the Senate, Cari Jo Rehmert, Columbia.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 20, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1145-Scott	SB 1154-Crowell
SB 1146-Clemens	SB 1155-Crowell
SB 1147-Koster	SB 1156-Crowell
SB 1148-Koster	SB 1157-Green
SB 1149-Engler	SB 1158-Mayer
SB 1150-Barnitz	SB 1159-Gibbons
SB 1151-Barnitz	SB 1160-Lager
SB 1152-Crowell	SB 1161-Lager
SB 1153-Crowell	

HOUSE BILLS ON SECOND READING

HB 1661-LeVota, et al	HB 1313-Wright, et al
HCS for HB 1380-Sater, et al	HB 1311-Hoskins
HB 1386-Cox and Ruestman	

THIRD READING OF SENATE BILLS

SS for SCS for SB 718-Kennedy (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 958-Goodman	SB 1038-Shields
SB 907-Engler and Gibbons, with SCS	

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 711-Gibbons, et al, with SCS, SS for SCS & SA 2 (pending)	SB 720-Coleman, with SCS SB 726-Shields, with SCS
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SB 732-Champion, et al, with SCS
SBs 747 & 736-Ridgeway and Gibbons, with SCS
SBs 754 & 794-Mayer and Loudon, with SCS
SB 759-Stouffer, with SCS
SBs 761 & 774-Stouffer, with SCS
SB 765-Goodman, et al, with SCS
SB 778-Justus, with SCS
SB 781-Smith, with SCS

SB 788-Scott, with SCS
SB 806-Engler, with SCS
SBs 818 & 795-Rupp, et al, with SCS
SB 821-Shoemyer, with SCS
SBs 840 & 857-Engler, with SCS
SB 929-Green and Callahan, with SCS
SB 997-Crowell
SB 1066-Ridgeway, et al

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 978-Griesheimer

SB 760-Stouffer, with SCS

Reported 2/14

SB 901-Loudon, et al, with SCS
SB 970-Scott
SB 953-Scott
SB 723-Scott

SB 951-Scott, with SCS
SB 1010-Nodler
SB 1068-Mayer

RESOLUTIONS

To be Referred

SCR 31-Barnitz

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Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 20, 2008

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“O God, you are my God; eagerly I seek you;..” (Psalm 63:1a)

O God of wonder and might, You are a strong force in our lives even when we fail to recognize Your presence. May Your gifts nurture and guide us in the ways of righteousness and turn us towards Your steadfast love and mercy as we seek You each day. And help us do our duty here faithfully. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

President Kinder assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Graham offered Senate Resolution No. 1912, regarding the University of Missouri Football Tigers, which was adopted.

Senator Dempsey offered Senate Resolution No. 1913, regarding the Fortieth Wedding Anniversary of Richard and Joyce Kulage, Saint Peters, which was adopted.

Senator Champion offered Senate Resolution No. 1914, regarding James W. Coulter, M.D., Springfield, which was adopted.

Senator Coleman offered Senate Resolution No. 1915, regarding Bennie and Mary Jane Phillips, which was adopted.

Senator Coleman offered Senate Resolution No. 1916, regarding Evan Moore, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1917, regarding JoEllen Potchen-Webb, which was adopted.

Senator Kennedy offered Senate Resolution No. 1918, regarding Steven Gregory Kaiser, Sunset Hills, which was adopted.

CONCURRENT RESOLUTIONS

Senators Purgason, Dempsey, Shoemyer, Crowell, Callahan, Scott, Barnitz, Green, Engler, Clemens, Griesheimer and Rupp offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 32

WHEREAS, President George W. Bush established the Security and Prosperity Partnership (SPP) of North America, with the nations of Mexico and Canada on March 23, 2005; and

WHEREAS, this plan is nothing short of revolutionary. As Lou Dobbs put it on his CNN program, it is “an absolute contravention of our law, of our Constitution, every national value.”; and

WHEREAS, this plan sounds like a new innovation, it is not new. It is the next step in a progression of steps that, in a manner very similar to the process used in Europe to supplant individual nations with the European Union, will ultimately lead to the formation of a new government for the United States, the North American Union; and

WHEREAS, the gradual creation of such a North American Union from a merger of the United States, Mexico, and Canada would be a direct threat to the Constitution and national independence of the United States, and imply an eventual end to national borders within North America; and

WHEREAS, a White House news release confirmed the continuing existence of the SPP and its “ongoing process of cooperation” on March 31, 2006; and

WHEREAS, Congressman Ron Paul (who opposed the SPP or any form of North American Union between countries in the Americas) has written that a key to the SPP plan is an extensive new NAFTA superhighway: “[U]nder this new ‘partnership’, a massive highway is being planned to stretch from Canada to Mexico, through the State of Texas”; and

WHEREAS, this trilateral partnership to develop a North American Union has never been presented to Congress as an agreement or treaty, and has had virtually no congressional oversight; and

WHEREAS, state and local governments throughout the United States would be negatively impacted by the SPP/North American Union process, such as the “open borders” vision of the SPP, eminent domain takings of private property along the planned superhighways, and increased law enforcement problems along those same superhighways:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Congress of the United States to use all of its efforts, energies, and diligence to withdraw the United States from any further participation in the Security and Prosperity Partnership of North America and any

other bilateral or trilateral activity, however named, which seeks to advance, authorize, fund, or in any way promote the creation of any structure to accomplish any form of North American Union as herein described; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for each member of Missouri's Congressional delegation.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 1162—By Clemens.

An Act to amend chapter 324, RSMo, by adding thereto sixteen new sections relating to the licensing of clinical laboratory science personnel, with penalty provisions.

SB 1163—By Rupp.

An Act to repeal sections 168.133 and 302.272, RSMo, and to enact in lieu thereof two new sections relating to criminal background checks for school bus personnel, with penalty provisions.

SB 1164—By Loudon.

An Act to repeal sections 287.020, 287.200, 287.220, 287.230, 287.430, and 287.715, RSMo, and to enact in lieu thereof six new sections relating to workers' compensation, with an emergency clause.

SB 1165—By Crowell.

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to the disclosure of news sources and information.

SB 1166—By Dempsey.

An Act to amend chapter 630, RSMo, by adding thereto one new section relating to cost of living increases for contracted community providers.

SB 1167—By Stouffer.

An Act to repeal sections 41.1010, 42.007, 160.053, 160.518, 168.021, 170.011, and 620.515, RSMo, and to enact in lieu thereof eight new sections relating to members of the military and their families.

SJR 46—By Purgason.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to term limits.

Senator Rupp assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 718**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted

the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 762**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

At the request of Senator Goodman, **SB 958** was placed on the Informal Calendar.

SB 907, with **SCS**, was placed on the Informal Calendar.

Senator Shields moved that **SB 1038** be taken up for perfection.

Senator Smith requested a roll call vote be taken on the above motion and was joined in his request by Senators Callahan, Justus, Green and Days.

SB 1038 was taken up for perfection by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—32

NAYS—Senator Smith—1

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

Senator Smith offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 1038, Page 9, Section 130.044, Line 19, by inserting after all of said line the following:

“130.046. 1. The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

(2) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support of or opposition to any candidate or ballot measure; except that, a successful candidate who takes office prior to the twenty-fifth day after the election shall have complied with the report requirement of this subdivision if a disclosure report is filed by such candidate and any candidate committee under the candidate's control before such

candidate takes office, and such report shall be for the period closing on the day before taking office;[and]

(3) Not later than the fifteenth day following the close of each calendar quarter. Notwithstanding the provisions of this subsection, if any committee accepts contributions or makes expenditures in support of or in opposition to a ballot measure or a candidate, and the report required by this subsection for the most recent calendar quarter is filed prior to the fortieth day before the election on the measure or candidate, the committee shall file an additional disclosure report not later than the fortieth day before the election for the period closing on the forty-fifth day before the election; **and**

(4) Every forty-eight hours within thirty days of the election for committees making any contribution in support of or in opposition to any candidate for state representative, state senator, or statewide elected office.

2. In the case of a ballot measure to be qualified to be on the ballot by initiative petition or referendum petition, or a recall petition seeking to remove an incumbent from office, disclosure reports relating to the time for filing such petitions shall be made as follows:

(1) In addition to the disclosure reports required to be filed pursuant to subsection 1 of this section the treasurer of a committee, other than a continuing committee, supporting or opposing a petition effort to qualify a measure to appear on the ballot or to remove an incumbent from office shall file an initial disclosure report fifteen days after the committee begins the process of raising or spending money. After such initial report, the committee shall file quarterly disclosure reports as required by subdivision (3) of subsection 1 of this section until such time as the reports required by subdivisions (1) and (2) of subsection 1 of this section are to be filed. In addition the committee shall file a second disclosure report no later than the fifteenth day after the deadline date for submitting such petition. The period covered in the initial report shall begin on the day the committee first accepted contributions or made expenditures to support or oppose the petition effort for qualification of the measure and shall close on the fifth day prior to the date of the report;

(2) If the measure has qualified to be on the ballot in an election and if a committee subject to the requirements of subdivision (1) of this subsection is also required to file a preelection disclosure report for such election any time within thirty days after the date on which disclosure reports are required to be filed in accordance with subdivision (1) of this subsection, the treasurer of such committee shall not be required to file the report required by subdivision (1) of this subsection, but shall include in the committee's preelection report all information which would otherwise have been required by subdivision (1) of this subsection.

3. The candidate, if applicable, treasurer or deputy treasurer of a committee shall file disclosure reports pursuant to this section, except for any calendar quarter in which the contributions received by the committee or the expenditures or contributions made by the committee do not exceed five hundred dollars. The reporting dates and periods covered for such quarterly reports shall not be later than the fifteenth day of January, April, July and October for periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June and the thirtieth day of September. No candidate, treasurer or deputy treasurer shall be required to file the quarterly disclosure report required not later than the fifteenth day of any January immediately following a November election, provided that such candidate, treasurer or deputy treasurer shall file the information required on such quarterly report on the quarterly report to be filed not later than the fifteenth day of April immediately following such November election. Each report by such committee shall be cumulative from the date of the last report. In the case of the continuing committee's first

report, the report shall be cumulative from the date of the continuing committee's organization. Every candidate, treasurer or deputy treasurer shall file, at a minimum, the campaign disclosure reports covering the quarter immediately preceding the date of the election and those required by subdivisions (1) and (2) of subsection 1 of this section. A continuing committee shall submit additional reports if it makes aggregate expenditures, other than contributions to a committee, of five hundred dollars or more, within the reporting period at the following times for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election;

(2) Not later than twenty-four hours after aggregate expenditures of two hundred fifty dollars or more are made after the twelfth day before the election; and

(3) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election.

4. The reports required to be filed no later than the thirtieth day after an election and any subsequently required report shall be cumulative so as to reflect the total receipts and disbursements of the reporting committee for the entire election campaign in question. The period covered by each disclosure report shall begin on the day after the closing date of the most recent disclosure report filed and end on the closing date for the period covered. If the committee has not previously filed a disclosure report, the period covered begins on the date the committee was formed; except that in the case of a candidate committee, the period covered begins on the date the candidate became a candidate according to the definition of the term candidate in section 130.011.

5. Notwithstanding any other provisions of this chapter to the contrary:

(1) Certain disclosure reports pertaining to any candidate who receives nomination in a primary election and thereby seeks election in the immediately succeeding general election shall not be required in the following cases:

(a) If there are less than fifty days between a primary election and the immediately succeeding general election, the disclosure report required to be filed quarterly; provided that, any other report required to be filed prior to the primary election and all other reports required to be filed not later than the eighth day before the general election are filed no later than the final dates for filing such reports;

(b) If there are less than eighty-five days between a primary election and the immediately succeeding general election, the disclosure report required to be filed not later than the thirtieth day after the primary election need not be filed; provided that any report required to be filed prior to the primary election and any other report required to be filed prior to the general election are filed no later than the final dates for filing such reports; and

(2) No disclosure report needs to be filed for any reporting period if during that reporting period the committee has neither received contributions aggregating more than five hundred dollars nor made expenditure aggregating more than five hundred dollars and has not received contributions aggregating more than three hundred dollars from any single contributor and if the committee's treasurer files a statement with the appropriate officer that the committee has not exceeded the identified thresholds in the reporting period. Any contributions received or expenditures made which are not reported because this statement is filed in lieu of a disclosure report shall be included in the next disclosure report filed by the committee. This statement shall not be filed in lieu of the report for two or more consecutive disclosure periods if either the

contributions received or expenditures made in the aggregate during those reporting periods exceed five hundred dollars. This statement shall not be filed, in lieu of the report, later than the thirtieth day after an election if that report would show a deficit of more than one thousand dollars.

6. (1) If the disclosure report required to be filed by a committee not later than the thirtieth day after an election shows a deficit of unpaid loans and other outstanding obligations in excess of five thousand dollars, semiannual supplemental disclosure reports shall be filed with the appropriate officer for each succeeding semiannual period until the deficit is reported in a disclosure report as being reduced to five thousand dollars or less; except that, a supplemental semiannual report shall not be required for any semiannual period which includes the closing date for the reporting period covered in any regular disclosure report which the committee is required to file in connection with an election. The reporting dates and periods covered for semiannual reports shall be not later than the fifteenth day of January and July for periods closing on the thirty-first day of December and the thirtieth day of June.

(2) Committees required to file reports pursuant to subsection 2 or 3 of this section which are not otherwise required to file disclosure reports for an election shall file semiannual reports as required by this subsection if their last required disclosure report shows a total of unpaid loans and other outstanding obligations in excess of five thousand dollars.

7. In the case of a committee which disbands and is required to file a termination statement pursuant to the provisions of section 130.021 with the appropriate officer not later than the tenth day after the committee was dissolved, the candidate, committee treasurer or deputy treasurer shall attach to the termination statement a complete disclosure report for the period closing on the date of dissolution. A committee shall not utilize the provisions of subsection 8 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the reporting requirements of subsection 6 or 7 of this section.

8. Disclosure reports shall be filed with the appropriate officer not later than 5:00 p.m. prevailing local time of the day designated for the filing of the report and a report postmarked not later than midnight of the day previous to the day designated for filing the report shall be deemed to have been filed in a timely manner. The appropriate officer may establish a policy whereby disclosure reports may be filed by facsimile transmission.

9. Each candidate for the office of state representative, state senator, and for statewide elected office shall file all disclosure reports described in section 130.041 electronically with the Missouri ethics commission. The Missouri ethics commission shall promulgate rules establishing the standard for electronic filings with the commission and shall propose such rules for the importation of files to the reporting program.

10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

130.500. Sections 130.500 to 130.518 and section 143.1010, RSMo, may be known and cited as the “Missouri Clean Election Act.”

130.503. As used in sections 130.500 to 130.518, unless the context otherwise indicates, the following terms have the following meanings:

(1) “Certified candidate”, a candidate for state senator, state representative, or statewide elected office who chooses to participate in alternative public financing of their campaign authorized under sections 130.500 to 130.518 and who is certified as a Missouri clean election act candidate under subsection 5 of section 130.512;

(2) “Commission”, the Missouri ethics commission established under section 105.955, RSMo;

(3) “Contribution”, has the same meaning as in section 130.011;

(4) “Fund”, the Missouri clean election fund established in section 130.509;

(5) “Nonparticipating candidate”, a candidate for state senator, state representative, or statewide elected office who does not choose to participate in alternative public financing of their campaign authorized under sections 130.500 to 130.518 and who is not seeking to be certified as a Missouri clean election act candidate under subsection 5 of section 130.512;

(6) “Participating candidate”, a candidate for state senator, state representative, or statewide elected office who is seeking to be certified as a Missouri clean election act candidate under subsection 5 of section 130.512;

(7) “Qualifying contribution”, a donation:

(a) Of five dollars in the form of a check or a money order payable to the fund in support of the candidate;

(b) Made by any individual eligible to register to vote in this state;

(c) Made during the designated qualifying period and obtained with the knowledge and approval of the candidate; and

(d) That is acknowledged by a written receipt that identifies the name and address of the donor on forms provided by the commission;

(8) “Qualifying period”, the following:

(a) For a statewide participating candidate, the qualifying period begins November first immediately preceding the election year and ends at the same time the candidate is required under section 115.329 or 115.349, RSMo, to file petitions or declarations of candidacy;

(b) For state senate or state house of representatives participating candidates, the qualifying period begins January first of the election year and ends at the same time the candidate is required under section 115.329 or 115.349, RSMo, to file petitions or declarations of candidacy;

(9) “Seed money contribution”, a contribution of no more than one hundred dollars per individual made to a candidate, including a contribution from the candidate or the candidate's family. A candidate may not collect or spend seed money contributions after certification as a Missouri clean election act candidate. A seed money contribution shall be reported according to procedures developed by the commission. A participating candidate who has accepted contributions or made expenditures that do not comply with the seed money restrictions under sections 130.500 to 130.518 may petition the commission to remain eligible for certification as a Missouri clean election act

candidate in accordance with rules of the commission, if the failure to comply was unintentional and does not constitute a significant infraction of these restrictions.

130.506. 1. Sections 130.500 to 130.518 establishes an alternative campaign financing option available to candidates for state senator, state representative, and statewide elected office. This alternative campaign financing option is available to candidates for elections to be held beginning in the year 2010. The commission shall administer sections 130.500 to 130.518 and the fund established in section 130.509. Candidates participating in the Missouri clean election act shall also comply with all other applicable election and campaign laws and regulations.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

130.509. 1. There is hereby created in the state treasury the “Missouri Clean Election Fund” to finance the election campaigns of certified Missouri clean election act candidates for governor, state senator, and state representative and to pay administrative and enforcement costs of the commission related to sections 130.500 to 130.518. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund may be used solely for the administration of sections 130.500 to 130.518. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. The following shall be deposited in the fund:

(1) The qualifying contributions required under subsection 3 of section 130.512 when those contributions are submitted to the commission;

(2) Two million dollars from the general revenue fund transferred to the clean election fund by the state treasurer on or before January first of each year, beginning January 1, 2009;

(3) Subject to voter approval at the next general election from the effective date of this section, revenue from a tax established under section 143.1010, RSMo, requiring a corporation or individual who files a tax return with the state to designate that three dollars be paid into the fund. If a husband and wife file a joint return, each spouse shall pay three dollars into the fund;

The ballot of the submission shall contain, but is not limited to, the following language:

“Shall a fee of three dollars on a single tax return and six dollars on a joint return be charged in each taxable year to be credited to the Missouri clean election fund?”

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “Yes”. If you are opposed to the question, place an “X” in the box opposite “No”.”

(4) Seed money contributions remaining unspent after a candidate has been certified as a

Missouri clean election act candidate;

(5) Fund revenues that were distributed to a Missouri clean election act candidate and that remain unspent after the candidate has lost a primary election or after all general elections;

(6) Other unspent fund revenues distributed to any Missouri clean election act candidate who does not remain a candidate throughout a primary or general election cycle;

(7) Voluntary donations made directly to the fund. Any individual may make donations directly to the fund at any time without limitation; and

(8) Fines collected under section 130.072 and section 130.515.

3. By September first preceding each general election year, the commission shall publish an estimate of revenue in the fund available for distribution to certified candidates during the upcoming year's elections and an estimate of the likely demand for clean election funding during that election.

130.512. 1. A participating candidate shall file a declaration of intent to seek certification as a Missouri clean election act candidate. The declaration of intent shall be filed with the commission prior to or during the qualifying period according to forms and procedures developed by the commission. A participating candidate shall submit a declaration of intent within five business days of collecting qualifying contributions or such contributions collected before the declaration of intent has been filed shall not be counted toward the eligibility requirement in subsection 5 of this section.

2. A participating candidate shall limit the candidate's seed money contributions to the following amounts:

- (1) Fifty thousand dollars for a gubernatorial candidate;
- (2) Ten thousand dollars for a nongubernatorial statewide candidate;
- (3) One thousand five hundred dollars for a candidate for the state senate; or
- (4) Five hundred dollars for a candidate for the state house of representatives.

The commission may, by rule, revise these amounts to ensure the effective implementation of sections 130.500 to 130.518.

3. Participating candidates shall obtain qualifying contributions during the qualifying period as follows:

- (1) Two hundred fifty qualifying contributions in the case of a candidate for state representative;
- (2) Five hundred qualifying contributions in the case of a candidate for state senator;
- (3) Two hundred fifty qualifying contributions in six or more of the United States congressional districts in this state in the case of a candidate for a statewide elected office other than governor;
- (4) Five hundred qualifying contributions in six or more of the United States congressional districts in this state in the case of a candidate for governor.

A payment, gift or anything of value may not be given in exchange for a qualifying contribution.

4. A participating candidate shall submit qualifying contributions within ten days of receiving the contribution to the commission during the qualifying period according to procedures developed by the commission.

5. Upon receipt of a final submission of qualifying contributions by a participating candidate, the commission shall determine whether or not the candidate has:

- (1) Signed and filed a declaration of intent to seek certification as required under subsection 1 of this section;**
- (2) Submitted the appropriate number of valid qualifying contributions;**
- (3) Qualified as a candidate by petition or other means;**
- (4) Accepted no contributions, except for seed money and qualifying contributions;**
- (5) Not run for the same office as a nonparticipating candidate in a primary election in the same general election year; and**
- (6) Otherwise met the requirements for participating as a Missouri clean election act candidate.**

The commission shall certify a candidate complying with the requirements of this section as a Missouri clean election act candidate as soon as possible and no later than three business days after final submission of qualifying contributions. Upon certification, a candidate shall transfer any unspent seed money contributions to the commission for deposit in the fund.

6. After certification, a candidate shall limit the candidate's campaign expenditures and obligations, including outstanding obligations, to the revenues distributed to the candidate's debit card issued by the treasurer known as the clean election debit card, entitling the candidate and designated members of the candidate's staff to draw money from a commission account to pay all campaign costs and expenses.

7. Neither a participating candidate nor any other person on behalf of a participating candidate shall pay campaign costs, except for costs for labor, campaign staff, consultants, and pollsters, by cash, check, money order, loan, or by any other financial means except through the use of the fair election debit card, except that cash amounts of one hundred dollars or less may be drawn on the fair election debit card and used to pay expenses of no more than twenty-five dollars each. Records of all such expenditures shall be maintained and reported to the commission.

8. The commission shall distribute to certified candidates revenues from the fund in amounts determined under subsection 9 of this section in the following manner:

(1) Within three days after certification, for candidates certified prior to the deadline for filing a declaration of candidacy under section 115.349, RSMo, revenues from the fund shall be distributed as if the candidates are in an uncontested primary election;

(2) Within three days after certification, for all candidates certified between the deadline for filing a declaration of candidacy under section 115.349, RSMo, and thirty days thereafter, revenues from the fund shall be distributed according to whether the candidate is in a contested or uncontested primary election;

(3) Within three days after the secretary of state has certified the names of candidates to be included on a ballot in a special election for state representative or state senator;

(4) For candidates in contested primary elections receiving a distribution under subdivision (1) of this subsection, additional revenues from the fund shall be distributed within three days of the deadline for filing a declaration of candidacy under section 115.349, RSMo;

(5) Within three days after the primary election results are certified, for general election certified candidates, revenues from the fund shall be distributed according to whether the candidate is in a contested or uncontested general election.

Funds shall be distributed to certified candidates under this section by any mechanism that is expeditious, ensures accountability and safeguards the integrity of the fund.

9. A candidate certified as a clean election candidate who wins the primary election shall be required to be a participating candidate for the general election.

10. The candidate, treasurer, or candidate committee shall deposit all revenues from the fund in a campaign account with a bank or other financial institution. The campaign funds shall be segregated from, and may not be commingled with, any other funds.

11. By July 1, 2009, and at least every two years thereafter, the commission shall determine the amount of funds to be distributed to participating candidates based on the type of election and office as follows:

(1) For contested legislative and nongubernatorial statewide primary elections, the amount of revenues to be distributed shall be the average amount of campaign expenditures made by each candidate during all contested primary election races for the immediately preceding two primary elections for the respective offices;

(2) For uncontested legislative primary and nongubernatorial statewide elections, the amount of revenues distributed shall be the average amount of campaign expenditures made by each candidate during all uncontested primary election races for the immediately preceding two primary elections for the respective offices;

(3) For contested legislative and nongubernatorial general elections, the amount of revenues distributed shall be the average amount of campaign expenditures made by each candidate during all contested general election races for the immediately preceding two general elections for the respective offices;

(4) For uncontested and nongubernatorial legislative general elections, the amount of revenues to be distributed from the fund shall be forty percent of the amount that would have been distributed under subdivision (3) of this subsection to the participating candidate had the election been contested;

(5) For gubernatorial primary elections, the amount of revenues distributed shall be five hundred thousand dollars per candidate in the primary election;

(6) For gubernatorial general elections, the amount of revenues distributed shall be one million dollars per candidate in the general election.

If the immediately preceding election cycles do not contain sufficient electoral data, the commission shall use information from the most recent applicable elections.

12. When any disclosure report shows that the sum of a nonparticipating candidate's expenditures or obligations, or contributions, whichever is greater, alone or in conjunction with independent expenditures exceeds the distribution amount under subsection 11 of this section, the commission shall issue immediately to any opposing Missouri clean election act candidate an additional amount equivalent to the reported excess. Matching funds are limited to two times the amount originally distributed under subdivisions (1), (3), (5), or (6) of subsection 10 of this section,

whichever is applicable.

13. An independent and new party candidate shall receive public financing for the general election if such candidate raises one hundred fifty percent of the number of qualifying contributions required for a candidate running in a party primary for the office sought. An independent and new party candidate who qualifies for public financing on the basis of qualifying contributions shall receive the line of credit for total public financing in the general election on the first day of the primary election campaign period, or when qualified, whichever occurs later. The qualifying contributions of an independent or new party candidate shall be raised between the beginning of the public financing qualifying period and the date thirty days after the filing deadline date for independent candidates.

14. Participating and certified candidates shall report any money collected, all campaign expenditures, obligations, and related activities to the commission thirty days preceding a general election or a primary election in which the candidate was defeated. Upon the filing of this final report, the candidate shall return all unspent fund revenues to the commission. The commission shall ensure timely public access to campaign finance data and may utilize electronic means of reporting and storing information.

15. The participating and certified candidate's campaign treasurer shall obtain and keep:

(1) Bank or other account statements for the campaign account covering the duration of the campaign;

(2) A vendor invoice stating the particular goods or services purchased for every expenditure of fifty dollars or more; and

(3) A record proving that a vendor received payment for every expenditure of fifty dollars or more in the form of a cancelled check, receipt from the vendor or bank or credit card statement identifying the vendor as the payee.

The treasurer shall preserve the records for two years following the candidate's final report, required under subsection 11 of this section, for the election cycle. The candidate shall submit photocopies of the records to the commission upon its request.

16. At the end of both the primary and general election campaign periods, excess public funds shall be returned to the clean election fund, provided that a candidate may retain and use for campaign expenses an amount equal to twenty dollars multiplied by the number of qualifying contributions necessary to qualify for the office for which the candidate was a candidate. Any funds which are retained in this manner, and remain unexpended, shall be returned to the fair elections trust fund at the beginning of the next public funding qualifying period.

17. The commission may not distribute revenues to certified candidates in excess of the total amount of money deposited in the fund as set forth in section 130.509. Notwithstanding any other provisions of sections 130.500 to 130.518, if the commission determines that the revenues in the fund are insufficient to meet distributions under subsection 10 of this section, the commission may permit certified candidates to accept and spend contributions, reduced by any seed money contributions, aggregating no more than five hundred dollars per donor per election for gubernatorial candidates, three hundred fifty dollars per donor per election for nongubernatorial statewide candidates, and two hundred fifty dollars per donor per election for state senate and state house candidates, up to the

applicable amount set forth in subsection 10 of this section according to rules adopted by the commission.

18. A candidate who has been denied certification as a Missouri clean election act candidate, the opponent of a candidate who has been granted certification as a Missouri clean election act candidate, or other interested persons may challenge a certification decision by the commission as follows:

(1) A challenger may appeal to the commission within seven days of the certification decision. The appeal shall be in writing and shall set forth the reasons for the appeal;

(2) Within five days after an appeal is properly filed and after notice is given to the challenger, and if applicable the certified candidate, the commission shall hold a hearing. The challenger has the burden of providing by a preponderance of the evidence that the commission decision was improper. The commission shall rule on the appeal within three days after the completion of the hearing;

(3) A challenger may appeal the decision of the commission in subdivision (2) of this subsection by commencing an action in the Cole County circuit court;

(4) A candidate whose certification by the commission as a Missouri clean election act candidate is revoked on appeal shall return any unspent revenues distributed from the fund to the commission. If the commission or the court find that an appeal was filed frivolously or to cause delay or hardship, the commission or court may require the moving party to pay costs of the commission, court and opposing parties.

130.515. A person who violates any provision of sections 130.500 to 130.518 is subject to a fine not to exceed ten thousand dollars per violation payable to the fund. Fines paid under this section shall be deposited in the fund. Any person certified as a Missouri clean election act candidate in violation of sections 130.500 to 130.518, shall return to the fund all amounts distributed to the candidate.

130.518. 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on Clean Elections", to be comprised of five members of the senate and five members of the house of representatives. Three of the senate members shall be appointed by the president pro tem of the senate and two by the senate minority leader. Three of the house members shall be appointed by the speaker of the house and two by the house minority leader. The appointment of each member shall continue during his or her term of office as a member of the house or senate or until a successor has been duly appointed to fill his or her place when his or her term of office as a member of the house or senate has expired.

2. The committee shall study and recommend legislation relating to the administration, implementation, and enforcement of the Missouri clean elections act. The committee shall submit to the general assembly a written report documenting its findings and recommendations by December thirty-first of each year beginning in 2011.

143.1010. In each taxable year beginning on or after January 1, 2008, each individual or corporation entitled to a tax refund in any amount sufficient to make a designation under this section shall, subject to voter approval be taxed three dollars on a single or six dollars on a combined return, of the refund due be credited to the Missouri clean election fund created in section 130.509, RSMo. The department of revenue shall deposit such amount to the Missouri clean election fund as provided in section 130.509, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted, which motion failed.

Senator Days offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 1038, Page 8, Section 130.021, Line 148, by inserting immediately after all of said line the following:

“130.031. 1. No contribution of cash in an amount of more than one hundred dollars shall be made by or accepted from any single contributor for any election by a continuing committee, a campaign committee, a political party committee, an exploratory committee or a candidate committee.

2. Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained pursuant to the record-keeping requirements of section 130.036 to account for expenditures made from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee's depository and signed by the committee treasurer, deputy treasurer or candidate. A single expenditure from a petty cash fund shall not exceed fifty dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year. A check made payable to “cash” shall not be made except to replenish a petty cash fund.

3. No contribution shall be made or accepted and no expenditure shall be made or incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient and purpose of the expenditure. Any person who receives contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee. Any person who makes expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate such person's own name and address, the name and address of each person to whom an expenditure has been made and the amount and purpose of the expenditures the person has made for that committee.

4. No anonymous contribution of more than twenty-five dollars shall be made by any person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any candidate or committee. If any anonymous contribution of more than twenty-five dollars is received, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee treasurer or deputy treasurer shall immediately transmit that portion of the contribution which exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

5. The maximum aggregate amount of anonymous contributions which shall be accepted in any calendar year by any committee shall be the greater of five hundred dollars or one percent of the aggregate amount of all contributions received by that committee in the same calendar year. If any anonymous contribution is received which causes the aggregate total of anonymous contributions to exceed the foregoing limitation, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and, if the contributor's identity cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately transmit the anonymous contribution to the state treasurer to escheat to the state.

6. Notwithstanding the provisions of subsection 5 of this section, contributions from individuals whose names and addresses cannot be ascertained which are received from a fund-raising activity or event, such as defined in section 130.011, shall not be deemed anonymous contributions, provided the following conditions are met:

- (1) There are twenty-five or more contributing participants in the activity or event;
- (2) The candidate, committee treasurer, deputy treasurer or the person responsible for conducting the activity or event makes an announcement that it is illegal for anyone to make or receive a contribution in excess of one hundred dollars unless the contribution is accompanied by the name and address of the contributor;
- (3) The person responsible for conducting the activity or event does not knowingly accept payment from any single person of more than one hundred dollars unless the name and address of the person making such payment is obtained and recorded pursuant to the record-keeping requirements of section 130.036;
- (4) A statement describing the event shall be prepared by the candidate or the treasurer of the committee for whom the funds were raised or by the person responsible for conducting the activity or event and attached to the disclosure report of contributions and expenditures required by section 130.041. The following information to be listed in the statement is in addition to, not in lieu of, the requirements elsewhere in this chapter relating to the recording and reporting of contributions and expenditures:
 - (a) The name and mailing address of the person or persons responsible for conducting the event or activity and the name and address of the candidate or committee for whom the funds were raised;
 - (b) The date on which the event occurred;
 - (c) The name and address of the location where the event occurred and the approximate number of participants in the event;
 - (d) A brief description of the type of event and the fund-raising methods used;
 - (e) The gross receipts from the event and a listing of the expenditures incident to the event;
 - (f) The total dollar amount of contributions received from the event from participants whose names and addresses were not obtained with such contributions and an explanation of why it was not possible to obtain the names and addresses of such participants;
 - (g) The total dollar amount of contributions received from contributing participants in the event who are identified by name and address in the records required to be maintained pursuant to section 130.036.

7. No candidate or committee in this state shall accept contributions from any out-of-state committee unless the out-of-state committee from whom the contributions are received has filed a statement of organization pursuant to section 130.021 or has filed the reports required by sections 130.049 and 130.050, whichever is applicable to that committee.

8. Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words "Paid for by" followed by the proper identification of the sponsor pursuant to this section. For the purposes of this section, "printed matter" shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles,

or other imprinted or lettered material; but “printed matter” is defined to exclude materials printed and purchased prior to May 20, 1982, if the candidate or committee can document that delivery took place prior to May 20, 1982; any sign personally printed and constructed by an individual without compensation from any other person and displayed at that individual's place of residence or on that individual's personal motor vehicle; any items of personal use given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a candidate or committee which supports a candidate or supports or opposes a ballot measure and which is obvious in its identification with a specific candidate or committee and is reported as required by this chapter; and any news story, commentary, or editorial printed by a regularly published newspaper or other periodical without charge to a candidate, committee or any other person.

(1) In regard to any printed matter paid for by a candidate from the candidate's personal funds, it shall be sufficient identification to print the first and last name by which the candidate is known.

(2) In regard to any printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee as required to be registered by subsection 5 of section 130.021 and the name and title of the committee treasurer who was serving when the printed matter was paid for.

(3) In regard to any printed matter paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (7) of section 130.011 and not organized especially for influencing one or more elections, it shall be sufficient identification to print the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer.

(4) In regard to any printed matter paid for by an individual or individuals, it shall be sufficient identification to print the name of the individual or individuals and the respective mailing address or addresses, except that if more than five individuals join in paying for printed matter it shall be sufficient identification to print the words “For a list of other sponsors contact:” followed by the name and address of one such individual responsible for causing the matter to be printed, and the individual identified shall maintain a record of the names and amounts paid by other individuals and shall make such record available for review upon the request of any person. No person shall accept for publication or printing nor shall such work be completed until the printed matter is properly identified as required by this subsection.

9. Any broadcast station transmitting any matter relative to any candidate for public office or ballot measure as defined by this chapter shall identify the sponsor of such matter as required by federal law.

10. The provisions of subsection* 8 or 9 of this section shall not apply to candidates for elective federal office, provided that persons causing matter to be printed or broadcast concerning such candidacies shall comply with the requirements of federal law for identification of the sponsor or sponsors.

11. It shall be a violation of this chapter for any person required to be identified as paying for printed matter pursuant to subsection 8 of this section or paying for broadcast matter pursuant to subsection 9 of this section to refuse to provide the information required or to purposely provide false, misleading, or incomplete information.

12. It shall be a violation of this chapter for any committee to offer chances to win prizes or money to persons to encourage such persons to endorse, send election material by mail, deliver election material in person or contact persons at their homes; except that, the provisions of this subsection shall not be construed to prohibit hiring and paying a campaign staff.

13. (1) It shall be a violation of this chapter for any person, business, or other entity to form multiple committees for the purpose of avoiding or frustrating the contribution limits contained in section 130.032.

(2) Any person, business or other entity violating this subsection shall be guilty of a class A misdemeanor on the first offense, a class D felony on the second offense, and a class C felony on the third or subsequent offense.

(3) The Missouri ethics commission shall have jurisdiction to take seek civil and criminal penalties in a circuit court against any person, business or other entity that violates this subsection. Nothing in this subsection shall be construed to prevent the attorney general or a prosecuting attorney from having jurisdiction over a violation of this subsection.

(4) The Missouri ethics commission shall not file and shall return any documents seeking to form a committee when the commission or the commission's designee finds that the formation of such a committee is for the purpose of avoiding or frustrating the contribution limits contained in section 130.032.

(5) Any committee that is on file and existing as of August 28, 2008 that the commission or its designee finds is for the purpose of avoiding or frustrating the contribution limits contained in section 130.032.

130.032. 1. In addition to the limitations imposed pursuant to section 130.031, the amount of contributions made by or accepted from any person other than the candidate in any one election shall not exceed [the following:

(1) To elect an individual to the office of governor, lieutenant governor, secretary of state, state treasurer, state auditor or attorney general, one thousand three hundred fifty dollars;

(2) To elect an individual to the office of state senator, six hundred seventy five dollars;

(3) To elect an individual to the office of state representative, three hundred twenty five dollars;

(4) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is under one hundred thousand, three hundred twenty five dollars;

(5) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is at least one hundred thousand but less than two hundred fifty thousand, six hundred fifty dollars; and

(6) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is at least two hundred fifty thousand, one thousand three hundred fifty dollars.

2. For purposes of this subsection "base year amount" shall be the contribution limits prescribed in this section on January 1, 2009. Such limits shall be increased on the first day of January in each even-numbered year by multiplying the base year amount by the cumulative consumer price index, as defined in section 104.010, RSMo, and rounded to the nearest twenty-five-dollar amount, for all years since January 1, 2009..

3. Candidate committees, exploratory committees, campaign committees and continuing committees, other than those continuing committees which are political party committees, shall be subject to the

limits prescribed in subsection 1 of this section. The provisions of this subsection shall not limit the amount of contributions which may be accumulated by a candidate committee and used for expenditures to further the nomination or election of the candidate who controls such candidate committee, except as provided in section 130.052.

4. Except as limited by this subsection, the amount of cash contributions, and a separate amount for the amount of in-kind contributions, made by or accepted from a political party committee in any one election shall not exceed the following:

- (1) To elect an individual to the office of governor, lieutenant governor, secretary of state, state treasurer, state auditor or attorney general, ten thousand dollars;
- (2) To elect an individual to the office of state senator, five thousand dollars;
- (3) To elect an individual to the office of state representative, two thousand five hundred dollars; and
- (4) To elect an individual to any other office of an electoral district, ward or unit, ten times the allowable contribution limit for the office sought.

The amount of contributions which may be made by or accepted from a political party committee in the primary election to elect any candidate who is unopposed in such primary shall be fifty percent of the amount of the allowable contributions as determined in this subsection.

5. Contributions from persons under fourteen years of age shall be considered made by the parents or guardians of such person and shall be attributed toward any contribution limits prescribed in this chapter. Where the contributor under fourteen years of age has two custodial parents or guardians, fifty percent of the contribution shall be attributed to each parent or guardian, and where such contributor has one custodial parent or guardian, all such contributions shall be attributed to the custodial parent or guardian.

6. Contributions received and expenditures made prior to January 1, 1995, shall be reported as a separate account and pursuant to the laws in effect at the time such contributions are received or expenditures made. Contributions received and expenditures made after January 1, 1995, shall be reported as a separate account from the aforementioned account and pursuant to the provisions of this chapter. The account reported pursuant to the prior law shall be retained as a separate account and any remaining funds in such account may be used pursuant to this chapter and section 130.034.

7. Any committee which accepts or gives contributions other than those allowed shall be subject to a surcharge of one thousand dollars plus an amount equal to the contribution per nonallowable contribution, to be paid to the ethics commission and which shall be transferred to the director of revenue, upon notification of such nonallowable contribution by the ethics commission, and after the candidate has had ten business days after receipt of notice to return the contribution to the contributor. The candidate and the candidate committee treasurer or deputy treasurer owing a surcharge shall be personally liable for the payment of the surcharge or may pay such surcharge only from campaign funds existing on the date of the receipt of notice. Such surcharge shall constitute a debt to the state enforceable under, but not limited to, the provisions of chapter 143, RSMo.”.

And further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion failed.

Senator Griesheimer assumed the Chair.

Senator Graham offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 1038, Page 12, Section 130.032, Line 91, by inserting immediately after said line, the following:

“Section B. The provisions of section A of this act shall become effective January 1, 2009.”; and
Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Justus, Shoemyer and Smith.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Coleman	Days	Graham	Green	Justus	Kennedy	Koster
McKenna	Shoemyer	Smith	Wilson—12				

NAYS—Senators

Bartle	Callahan	Champion	Clemens	Crowell	Dempsey	Engler	Gibbons
Goodman	Griesheimer	Lager	Loudon	Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer	Vogel—21			

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

Senator Barnitz offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 1038, Page 9, Section 130.044, Line 20, by inserting immediately after all of said line the following:

“Section 1. 1. No public official appointed to any office by the governor with the advice and consent of the senate shall directly or indirectly make any contribution to, or hold office in, any political party or political organization or take part in any political campaign during such official’s term of office.

2. The letter of transmittal to the senate announcing an appointment of a public official shall include a listing of any contribution, as defined in chapter 130, RSMo, made by the appointee during the two years immediately preceding the appointment.”.

And further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted.

At the request of Senator Shields, **SB 1038**, with **SA 4** (pending), was placed on the Informal Calendar.

President Pro Tem Gibbons assumed the Chair.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 19, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Donna M. Bushur, 7444 Lydia Avenue, Kansas City, Jackson County, Missouri 64131, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2008, and until her successor is duly appointed and qualified; vice, Donna M. Bushur, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 19, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Daniel K. Carr, Republican, 1932 High Drive, Liberty, Clay County, Missouri 64068, as a member of the Missouri State Penitentiary Redevelopment Commission, for a term ending March 3, 2008, and until his successor is duly appointed and qualified; vice, Daniel K. Carr, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 19, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John L. Evans, Republican, 3789 South East Highway 33, Lathrop, Clinton County, Missouri 64465, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2009, and until his successor is duly appointed and qualified; vice, John L. Evans, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 19, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael G. Nordwald, Republican, 17615 H Highway, Liberty, Clay County, Missouri 64068, as a member of the Missouri Alternative

Fuels Commission, for a term ending March 25, 2011, and until his successor is duly appointed and qualified; vice, Michael G. Nordwald, withdrawn.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted **HCR 4**.

HOUSE CONCURRENT RESOLUTION NO. 4

WHEREAS, the United States Department of Agriculture's National Agricultural Statistics Service collects and publishes information on the prices and inventories of rice; and

WHEREAS, this information is used for estimations of farm income and determinations of government program payments to farmers; and

WHEREAS, it is essential to the rice industry that the estimations of farm income and determinations of government program payments more accurately reflect the current market prices and stocks of rice:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives, Ninety-Fourth General Assembly, Second Regular Session, the Senate concurring therein, hereby request that the United States Department of Agriculture's National Agricultural Statistics Service add the dates of June 1 and September 1 as additional reporting dates to the "Agricultural Statistics Board" calendar to more accurately reflect prices and stocks; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the United States Secretary of Agriculture, the United States Department of Agriculture's National Agriculture Statistics Service, and to each member of Missouri's Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1628**, entitled:

An Act to repeal section 142.869, RSMo, and to enact in lieu thereof one new section relating to alternative fuel decals, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1670**, entitled:

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales tax exemptions for certain equipment.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1320**, entitled:

An Act to repeal section 67.1461, RSMo, and to enact in lieu thereof one new section relating to community improvement districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1305**, entitled:

An Act to repeal section 170.011, RSMo, and to enact in lieu thereof one new section relating to transfer student curriculum.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1656**, entitled:

An Act to repeal section 208.819, RSMo, and to enact in lieu thereof one new section relating to transition grants for persons in nursing homes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1575**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway designation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1354**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to exempting certain types of vehicles from registration and licensing laws.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 2019**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Griesheimer assumed the Chair.

REFERRALS

President Pro Tem Gibbons referred **SCR 31** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

February 20, 2008

Mrs. Terry Spieler
Secretary of the Senate
State Capitol
Jefferson City, MO 65101

Dear Mrs. Spieler:

Effective Monday, February 25th, the Senate Standing Committee on Agriculture, Conservation, Parks and Natural Resources will be meeting at 2:00 p.m. on Tuesdays instead of 3:00 p.m.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

On motion of Senator Shields, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Mayer.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 1038**, with **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 4 was again taken up.

Senator Barnitz offered **SA 1** to **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Bill No. 1038, Page 1, Section 1, Line 6, by inserting immediately after all of said line the following: "**Nothing in this section shall preclude a public official appointed by the governor from being a member of a political organization.**".

Senator Barnitz moved that the above amendment be adopted, which motion failed.

SA 4 was again taken up.

Senator Barnitz moved that the above amendment be adopted, which motion failed.

Senator Graham offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Bill No. 1038, Page 8, Section 130.021, Line 148, by inserting immediately after said line, the following:

“130.032. 1. In addition to the limitations imposed pursuant to section 130.031, the amount of contributions, including cash and in-kind contributions, made by or accepted from any person other than the candidate in any one primary or general election shall not exceed the following:

(1) To elect an individual to the office of governor, lieutenant governor, secretary of state, state treasurer, state auditor or attorney general, five thousand dollars;

(2) To elect an individual to the office of state senator, two thousand dollars;

(3) To elect an individual to the office of state representative, one thousand dollars;

(4) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is under one hundred thousand, two hundred fifty dollars;

(5) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is at least one hundred thousand but less than two hundred fifty thousand, five hundred dollars; and

(6) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is at least two hundred fifty thousand, one thousand dollars.

2. In any year during which an individual is not on a ballot for election for office, the amount of contributions made by or accepted from any person during that year shall be subject to the limits in subsection 1 of this section.

3. Candidate committees, exploratory committees, campaign committees, continuing committees, and political party committees, shall be subject to the limits prescribed in subsection 1 of this section. The provisions of this subsection shall not limit the amount of contributions which may be accumulated by a candidate committee and used for expenditures to further the nomination or election of the candidate who controls such candidate committee, except as provided in section 130.052.

4. Contributions from persons under fourteen years of age shall be considered made by the parents or guardians of such person and shall be attributed toward any contribution limits prescribed in this chapter. Where the contributor under fourteen years of age has two custodial parents or guardians, fifty percent of the contribution shall be attributed to each parent or guardian, and where such contributor has one custodial parent or guardian, all such contributions shall be attributed to the custodial parent or guardian.

5. Contributions received and expenditures made prior to January 1, 1995, shall be reported as

a separate account and pursuant to the laws in effect at the time such contributions are received or expenditures made. Contributions received and expenditures made after January 1, 1995, shall be reported as a separate account from the aforementioned account and pursuant to the provisions of this chapter. The account reported pursuant to the prior law shall be retained as a separate account and any remaining funds in such account may be used pursuant to this chapter and section 130.034.

6. Any committee which accepts or gives contributions other than those allowed shall be subject to a surcharge of one thousand dollars plus an amount equal to the contribution per nonallowable contribution, to be paid to the ethics commission and which shall be transferred to the director of revenue, upon notification of such nonallowable contribution by the ethics commission, and after the candidate has had ten business days after receipt of notice to return the contribution to the contributor. The candidate and the candidate committee treasurer or deputy treasurer owing a surcharge shall be personally liable for the payment of the surcharge or may pay such surcharge only from campaign funds existing on the date of the receipt of notice. Such surcharge shall constitute a debt to the state enforceable under, but not limited to, the provisions of chapter 143, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Engler assumed the Chair.

Senator Smith offered **SA 1 to SA 5:**

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Bill No. 1038, Page 3, Section 130.032, Line 23, by inserting immediately after said line, the following:

“7. Monetary contributions shall not be made by any political party committee as defined in subdivision (25) of section 130.011 to any candidate committee, continuing committee, or political party committee. Nothing in this section shall be construed to limit any candidate committee from making contributions to any other committee.”.

Senator Smith moved that the above amendment be adopted, which motion failed.

SA 5 was again taken up.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Green, Koster, Shoemyer and Smith.

SA 5 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Days	Graham	Justus	Kennedy	Shoemyer	Smith	Wilson—8
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NAYS—Senators

Bartle	Callahan	Champion	Clemens	Coleman	Dempsey	Engler	Gibbons
Goodman	Green	Griesheimer	Koster	Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp	Scott	Shields	Stouffer—23	

Absent—Senator Crowell—1

Absent with leave—Senators

Bray Vogel—2

Vacancies—None

Senator Shoemyer offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Bill No. 1038, Page 12, Section 130.032, Line 91, by inserting immediately after all of said line the following:

“Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2008, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.”; and

Further amend the title accordingly.

Senator Shoemyer moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Days, Green and Smith.

SA 6 failed of adoption by the following vote:

YEAS—Senators

Callahan	Days	Graham	Green	Justus	Kennedy	Koster	McKenna
Shoemyer	Smith	Wilson—11					

NAYS—Senators

Bartle	Champion	Clemens	Crowell	Dempsey	Engler	Gibbons	Goodman
Griesheimer	Lager	Loudon	Mayer	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20				

Absent—Senators

Barnitz Coleman—2

Absent with leave—Senator Bray—1

Vacancies—None

Senator Smith offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Bill No. 1038, Page 1, Section A, Line 9, by inserting immediately after said line, the following:

“130.011. As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:

(1) “Appropriate officer” or “appropriate officers”, the person or persons designated in section 130.026 to receive certain required statements and reports;

(2) “Ballot measure” or “measure”, any proposal submitted or intended to be submitted to qualified voters for their approval or rejection, including any proposal submitted by initiative petition, referendum petition, or by the general assembly or any local governmental body having authority to refer proposals to the voter;

(3) “Candidate”, an individual who seeks nomination or election to public office. The term “candidate” includes an elected officeholder who is the subject of a recall election, an individual who seeks nomination by the individual's political party for election to public office, an individual standing for retention in an election to an office to which the individual was previously appointed, an individual who seeks nomination or election whether or not the specific elective public office to be sought has been finally determined by such individual at the time the individual meets the conditions described in paragraph (a) or (b) of this subdivision, and an individual who is a write-in candidate as defined in subdivision (28) of this section. A candidate shall be deemed to seek nomination or election when the person first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the person's candidacy for office; or

(b) Knows or has reason to know that contributions are being received or expenditures are being made or space or facilities are being reserved with the intent to promote the person's candidacy for office; except that, such individual shall not be deemed a candidate if the person files a statement with the appropriate officer within five days after learning of the receipt of contributions, the making of expenditures, or the reservation of space or facilities disavowing the candidacy and stating that the person will not accept nomination or take office if elected; provided that, if the election at which such individual is supported as a candidate is to take place within five days after the person's learning of the above-specified activities, the individual shall file the statement disavowing the candidacy within one day; or

(c) Announces or files a declaration of candidacy for office;

(4) “Cash”, currency, coin, United States postage stamps, or any negotiable instrument which can be transferred from one person to another person without the signature or endorsement of the transferor;

(5) “Check”, a check drawn on a state or federal bank, or a draft on a negotiable order of withdrawal account in a savings and loan association or a share draft account in a credit union;

(6) “Closing date”, the date through which a statement or report is required to be complete;

(7) “Committee”, a person or any combination of persons, who accepts contributions or makes expenditures for the primary or incidental purpose of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee or for the purpose of contributing funds to another committee:

(a) “Committee”, does not include:

a. A person or combination of persons, if neither the aggregate of expenditures made nor the aggregate of contributions received during a calendar year exceeds five hundred dollars and if no single contributor has contributed more than two hundred fifty dollars of such aggregate contributions;

b. An individual, other than a candidate, who accepts no contributions and who deals only with the individual's own funds or property;

c. A corporation, cooperative association, partnership, proprietorship, or joint venture organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure, and it accepts no contributions, and all expenditures it makes are from its own funds or property obtained in the usual course of business or in any commercial or other transaction and which are not contributions as defined by subdivision (12) of this section;

d. A labor organization organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates, or the qualification, passage, or defeat of any ballot measure, and it accepts no contributions, and expenditures made by the organization are from its own funds or property received from membership dues or membership fees which were given or solicited for the purpose of supporting the normal and usual activities and functions of the organization and which are not contributions as defined by subdivision (12) of this section;

e. A person who acts as an authorized agent for a committee in soliciting or receiving contributions or in making expenditures or incurring indebtedness on behalf of the committee if such person renders to the committee treasurer or deputy treasurer or candidate, if applicable, an accurate account of each receipt or other transaction in the detail required by the treasurer to comply with all record-keeping and reporting requirements of this chapter;

f. Any department, agency, board, institution or other entity of the state or any of its subdivisions or any officer or employee thereof, acting in the person's official capacity;

(b) The term “committee” includes, but is not limited to, each of the following committees: campaign committee, candidate committee, continuing committee and political party committee;

(8) “Campaign committee”, a committee, other than a candidate committee, which shall be formed by an individual or group of individuals to receive contributions or make expenditures and whose sole purpose is to support or oppose the qualification and passage of one or more particular ballot measures in an election or the retention of judges under the nonpartisan court plan, such committee shall be formed no later than thirty days prior to the election for which the committee receives contributions or makes expenditures, and which shall terminate the later of either thirty days after the general election or upon the satisfaction of all committee debt after the general election, except that no committee retiring debt shall engage in any other activities in support of a measure for which the committee was formed;

(9) “Candidate committee”, a committee which shall be formed by a candidate to receive contributions or make expenditures in behalf of the person's candidacy and which shall continue in existence for use by an elected candidate or which shall terminate the later of either thirty days after the general election for a candidate who was not elected or upon the satisfaction of all committee debt after the election, except that no committee retiring debt shall engage in any other activities in support of the candidate for which the committee was formed. Any candidate for elective office shall have only one candidate committee for the elective office sought, which is controlled directly by the candidate for the purpose of making expenditures. A candidate committee is presumed to be under the control and direction of the candidate unless the candidate files an affidavit with the appropriate officer stating that the committee is acting without control or direction on the candidate's part;

(10) “Continuing committee”, a committee of continuing existence which is not formed, controlled or directed by a candidate, and is a committee other than a candidate committee or campaign committee, whose

primary or incidental purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters whether or not a particular candidate or candidates or a particular ballot measure or measures to be supported or opposed has been determined at the time the committee is required to file any statement or report pursuant to the provisions of this chapter. "Continuing committee" includes, but is not limited to, any committee organized or sponsored by a business entity, a labor organization, a professional association, a trade or business association, a club or other organization and whose primary purpose is to solicit, accept and use contributions from the members, employees or stockholders of such entity and any individual or group of individuals who accept and use contributions to influence or attempt to influence the action of voters. Such committee shall be formed no later than sixty days prior to the election for which the committee receives contributions or makes expenditures;

(11) "Connected organization", any organization such as a corporation, a labor organization, a membership organization, a cooperative, or trade or professional association which expends funds or provides services or facilities to establish, administer or maintain a committee or to solicit contributions to a committee from its members, officers, directors, employees or security holders. An organization shall be deemed to be the connected organization if more than fifty percent of the persons making contributions to the committee during the current calendar year are members, officers, directors, employees or security holders of such organization or their spouses;

(12) "Contribution", a payment, gift, loan, advance, deposit, or donation of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification, passage or defeat of any ballot measure, or for the support of any committee supporting or opposing candidates or ballot measures or for paying debts or obligations of any candidate or committee previously incurred for the above purposes. A contribution of anything of value shall be deemed to have a money value equivalent to the fair market value. "Contribution" includes, but is not limited to:

(a) A candidate's own money or property used in support of the person's candidacy other than expense of the candidate's food, lodging, travel, and payment of any fee necessary to the filing for public office;

(b) Payment by any person, other than a candidate or committee, to compensate another person for services rendered to that candidate or committee;

(c) Receipts from the sale of goods and services, including the sale of advertising space in a brochure, booklet, program or pamphlet of a candidate or committee and the sale of tickets or political merchandise;

(d) Receipts from fund-raising events including testimonial affairs;

(e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt or other obligation by a third party, or payment of a loan or debt or other obligation by a third party if the loan or debt or other obligation was contracted, used, or intended, in whole or in part, for use in an election campaign or used or intended for the payment of such debts or obligations of a candidate or committee previously incurred, or which was made or received by a committee;

(f) Funds received by a committee which are transferred to such committee from another committee or other source, except funds received by a candidate committee as a transfer of funds from another candidate committee controlled by the same candidate but such transfer shall be included in the disclosure reports;

(g) Facilities, office space or equipment supplied by any person to a candidate or committee without charge or at reduced charges, except gratuitous space for meeting purposes which is made available

regularly to the public, including other candidates or committees, on an equal basis for similar purposes on the same conditions;

(h) The direct or indirect payment by any person, other than a connected organization, of the costs of establishing, administering, or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee;

(i) “Contribution” does not include:

a. Ordinary home hospitality or services provided without compensation by individuals volunteering their time in support of or in opposition to a candidate, committee or ballot measure, nor the necessary and ordinary personal expenses of such volunteers incidental to the performance of voluntary activities, so long as no compensation is directly or indirectly asked or given;

b. An offer or tender of a contribution which is expressly and unconditionally rejected and returned to the donor within ten business days after receipt or transmitted to the state treasurer;

c. Interest earned on deposit of committee funds;

d. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

(13) “County”, any one of the several counties of this state or the city of St. Louis;

(14) “Disclosure report”, an itemized report of receipts, expenditures and incurred indebtedness which is prepared on forms approved by the Missouri ethics commission and filed at the times and places prescribed;

(15) “Election”, any primary, general or special election held to nominate or elect an individual to public office, to retain or recall an elected officeholder or to submit a ballot measure to the voters, and any caucus or other meeting of a political party or a political party committee at which that party's candidate or candidates for public office are officially selected. A primary election and the succeeding general election shall be considered separate elections;

(16) “Expenditure”, a payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee; a payment, or an agreement or promise to pay, money or anything of value, including a candidate's own money or property, for the purchase of goods, services, property, facilities or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee. An expenditure of anything of value shall be deemed to have a money value equivalent to the fair market value. “Expenditure” includes, but is not limited to:

(a) Payment by anyone other than a committee for services of another person rendered to such

committee;

(b) The purchase of tickets, goods, services or political merchandise in connection with any testimonial affair or fund-raising event of or for candidates or committees, or the purchase of advertising in a brochure, booklet, program or pamphlet of a candidate or committee;

(c) The transfer of funds by one committee to another committee;

(d) The direct or indirect payment by any person, other than a connected organization for a committee, of the costs of establishing, administering or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee; but

(e) "Expenditure" does not include:

a. Any news story, commentary or editorial which is broadcast or published by any broadcasting station, newspaper, magazine or other periodical without charge to the candidate or to any person supporting or opposing a candidate or ballot measure;

b. The internal dissemination by any membership organization, proprietorship, labor organization, corporation, association or other entity of information advocating the election or defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to its directors, officers, members, employees or security holders, provided that the cost incurred is reported pursuant to subsection 2 of section 130.051;

c. Repayment of a loan, but such repayment shall be indicated in required reports;

d. The rendering of voluntary personal services by an individual of the sort commonly performed by volunteer campaign workers and the payment by such individual of the individual's necessary and ordinary personal expenses incidental to such volunteer activity, provided no compensation is, directly or indirectly, asked or given;

e. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

f. The use of a candidate's own money or property for expense of the candidate's personal food, lodging, travel, and payment of any fee necessary to the filing for public office, if such expense is not reimbursed to the candidate from any source;

(17) "Exploratory committees", a committee which shall be formed by an individual to receive contributions and make expenditures on behalf of this individual in determining whether or not the individual seeks **a specific elective office. The name of such committee shall contain the name of the office for which the committee is organized.** Such committee shall terminate no later than December thirty-first of the year prior to the general election for the possible office;

(18) "Fund-raising event", an event such as a dinner, luncheon, reception, coffee, testimonial, rally, auction or similar affair through which contributions are solicited or received by such means as the purchase of tickets, payment of attendance fees, donations for prizes or through the purchase of goods, services or political merchandise;

(19) "In-kind contribution" or "in-kind expenditure", a contribution or expenditure in a form other than

money;

(20) “Labor organization”, any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;

(21) “Loan”, a transfer of money, property or anything of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part and which was contracted, used, or intended for use in an election campaign, or which was made or received by a committee or which was contracted, used, or intended to pay previously incurred campaign debts or obligations of a candidate or the debts or obligations of a committee;

(22) “Person”, an individual, group of individuals, corporation, partnership, committee, proprietorship, joint venture, any department, agency, board, institution or other entity of the state or any of its political subdivisions, union, labor organization, trade or professional or business association, association, political party or any executive committee thereof, or any other club or organization however constituted or any officer or employee of such entity acting in the person's official capacity;

(23) “Political merchandise”, goods such as bumper stickers, pins, hats, ties, jewelry, literature, or other items sold or distributed at a fund-raising event or to the general public for publicity or for the purpose of raising funds to be used in supporting or opposing a candidate for nomination or election or in supporting or opposing the qualification, passage or defeat of a ballot measure;

(24) “Political party”, a political party which has the right under law to have the names of its candidates listed on the ballot in a general election;

(25) “Political party committee”, a state, district, county, city, or area committee of a political party, as defined in section 115.603, RSMo, which may be organized as a not-for-profit corporation under Missouri law, and which committee is of continuing existence, and has the primary or incidental purpose of receiving contributions and making expenditures to influence or attempt to influence the action of voters on behalf of the political party;

(26) “Public office” or “office”, any state, judicial, county, municipal, school or other district, ward, township, or other political subdivision office or any political party office which is filled by a vote of registered voters;

(27) “Regular session”, includes that period beginning on the first Wednesday after the first Monday in January and ending following the first Friday after the second Monday in May;

(28) “Write-in candidate”, an individual whose name is not printed on the ballot but who otherwise meets the definition of candidate in subdivision (3) of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted, which motion failed.

Senator Green offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Bill No. 1038, Page 4, Section 130.021, Line 2, by inserting immediately after the word “state” the following: “**and reside in the district or county in which the committee sits**”; and further

amend line 4, by inserting immediately after the word “state” the following: **“and reside in the district or county in which the committee sits”**; and

Further amend said bill and section, page 8, line 148, by inserting immediately after said line the following:

“12. Each legislative and senatorial district committee shall retain only one address in the district it sits for the purpose of receiving contributions.”; and

Further amend said bill, page 9, section 130.044, line 19, by inserting immediately after said line the following:

“130.050. 1. An out-of-state committee which, according to the provisions of subsection 10 of section 130.021, is not required to file a statement of organization and is not required to file the full disclosure reports required by section 130.041 shall file reports with the Missouri ethics commission according to the provisions of this subsection if the committee makes contributions or expenditures in support of or in opposition to candidates or ballot measures in this state in any election covered by this chapter or makes contributions to any committee domiciled in this state. An initial report shall be filed on or within fourteen days prior to the date such out-of-state committee first makes a contribution or expenditure in this state, and thereafter reports shall be filed at the times and for the reporting periods prescribed in subsection 1 of section 130.046. Each report shall contain:

(1) The full name, address and domicile of the committee making the report and the name, residential and business addresses, domicile and telephone numbers of the committee's treasurer;

(2) The name and address of any entity such as a labor union, trade or business or professional association, club or other organization or any business entity with which the committee is affiliated;

(3) A statement of the total dollar amount of all funds received by the committee in the current calendar year and a statement of the total contributions in the same period from persons domiciled in this state and a list by name, address, date and amount of each Missouri resident who contributed an aggregate of more than two hundred dollars in the current calendar year;

(4) A list by name, address, date and amount regarding any contributor to the out-of-state committee, regardless of state of residency, who made a contribution during the reporting period [which was restricted or designated in whole or in part for use in supporting or opposing a candidate, ballot measure or committee in this state or was restricted for use in this state at the committee's discretion, or a statement that no such contributions were received];

(5) A statement as to whether the committee is required to file reports with the Federal Election Commission, and a listing of agencies in other states with which the committee files reports, if any;

(6) A separate listing showing contributions made in support of or opposition to each candidate or ballot measure in this state, together with the date and amount of each contribution;

(7) A separate listing showing contributions made to any committee domiciled in this state with the date and amount of each contribution.

2. In the case of a political party committee's selection of an individual to be the party's nominee for public office in an election covered by this chapter, any individual who seeks such nomination and who is a candidate according to the definition of the term candidate in section 130.011 shall be required to comply with all requirements of this chapter; except that, for the purposes of this subsection, the reporting dates and

reporting periods in section 130.046 shall not apply, and the first reporting date shall be no later than the fifteenth day after the date on which a nomination covered by this subsection was made and for the period beginning on the date the individual became a candidate, as the term candidate is defined in section 130.011, and closing on the tenth day after the date the nomination was made, with subsequent reports being made as closely as practicable to the times required in section 130.046.

3. The receipt of any late contribution or loan of more than two hundred fifty dollars by a candidate committee supporting a candidate for statewide office or by any other committee shall be reported to the appropriate officer no later than twenty-four hours after receipt. For purposes of this subsection the term “late contribution or loan” means a contribution or loan received after the closing date of the last disclosure report required to be filed before an election but received prior to the date of the election itself. The disclosure report of a late contribution may be made by any written means of communication, setting forth the name and address of the contributor or lender and the amount of the contribution or loan and need not contain the signatures and certification required for a full disclosure report described in section 130.041. A late contribution or loan shall be included in subsequent disclosure reports without regard to any special reports filed pursuant to this subsection.

130.072. Any person who knowingly accepts or makes a contribution or makes an expenditure in violation of any provision of this chapter or who knowingly conceals a contribution or expenditure by filing a false or incomplete report or by not filing a required report, in addition to or in the alternative to any other penalty imposed by this chapter, [may] **shall** be held liable to the state in civil penalties in [twice the] **an** amount [of] **equal to** any such contribution or expenditure[, not to exceed a total amount of five thousand dollars].”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Bill No. 1038, Page 8, Section 130.021, Line 148, by inserting immediately after all of said line, the following:

“130.034. 1. Contributions as defined in section 130.011, received by any committee shall not be converted to any personal use.

2. Contributions may be used for any purpose allowed by law including, but not limited to:

(1) Any ordinary expenses incurred relating to a campaign;

(2) Any ordinary and necessary expenses incurred in connection with the duties of a holder of elective office;

(3) Any expenses associated with the duties of candidacy or of elective office pertaining to the entertaining of or providing social courtesies to constituents, professional associations, or other holders of elective office;

(4) The return of any contribution to the person who made the contribution to the candidate or holder of elective office;

(5) To contribute to a political organization or candidate committee as allowed by law;

(6) To establish a new committee as defined by this chapter;

(7) To make an unconditional gift which is fully vested to any charitable, fraternal or civic organizations or other associations formed to provide for some good in the order of benevolence, if such candidate, former candidate or holder of elective office or such person's immediate family gain no direct financial benefit from the unconditional gift;

(8) Except when such candidate, former candidate or holder of elective office dies while the committee remains in existence, the committee may make an unconditional gift to a fund established for the benefit of the spouse and children of the candidate, former candidate or holder of elective office. The provisions of this subdivision shall expire October 1, 1997.

3. Upon the death of the candidate, former candidate or holder of elective office who received such contributions, all contributions shall be disposed of according to this section and any funds remaining after final settlement of the candidate's decedent's estate, or if no estate is opened, then twelve months after the candidate's death, will escheat to the state of Missouri to be deposited in the general revenue fund.

4. No contributions, as defined in section 130.011, received by a candidate, former candidate or holder of elective office shall be used to make restitution payments ordered of such individual by a court of law or for the payment of any fine resulting from conviction of a violation of any local, state or federal law.

5. Committees described in subdivision (17) of section 130.011 shall make expenditures only for the purpose of determining whether an individual will be a candidate. Such expenditures include polling information, mailings, personal appearances, telephone expenses, office and travel expenses but may not include contributions to other candidate committees.

6. Any moneys in the exploratory committee fund may be transferred to the candidate committee upon declaration of candidacy for the position being explored. Such funds shall be included for the purposes of reporting and limitation. In the event that candidacy is not declared for the position being explored, the remaining exploratory committee funds shall be returned to the contributors on a pro rata basis. In no event shall the amount returned exceed the amount given by each contributor nor be less than ten dollars.

7. Notwithstanding the provisions of subsections 2 and 3 of this section, no contribution received by a candidate's campaign committee shall be contributed to any committee or political organization when such candidate ceases to be a candidate.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion failed.

Senator Graham offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Bill No. 1038, Page 1, In the Title, Line 9 of the title, by inserting after the word “finance” the following: “, with an emergency clause”; and

Further amend said bill, Page 12, Section 130.032, Line 91, by inserting after all of said line the following:

“Section B. Because of the need to expediently settle the law regarding campaign finance prior to any subsequent election, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the

constitution, and section A of this act shall be in full force and effect upon its passage and approval.”.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Bill No. 1038, Page 9, Section 130.044, Line 19, by inserting immediately after said line, the following:

“Section 1. 1. The transfer of funds to a candidate committee established under chapter 130, RSMo, from a committee formed by the same candidate under federal law shall be strictly prohibited.

2. The Missouri ethics commission shall order any candidate committee that has violated subsection 1 of this section to return all improperly transferred funds to the originating federal committee or, if that committee no longer exists, to the state of Missouri.

3. Any candidate committee that has accepted funds in violation of subsection 1 of this section prior to the effective date of this section shall be ordered by the Missouri ethics commission to return all improperly transferred funds to the originating federal committee or, if that committee no longer exists, to the state of Missouri by September 1, 2008.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion failed.

On motion of Senator Shields, **SB 1038**, as amended, was declared perfected and ordered printed.

INTRODUCTION OF BILLS

The following Joint Resolution was read the 1st time and ordered printed:

SJR 47—By Wilson and Coleman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to creation of tax free zones.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1145—Economic Development, Tourism and Local Government.

SB 1146—Ways and Means.

SB 1147—Pensions, Veterans’ Affairs and General Laws.

SB 1148—Pensions, Veterans’ Affairs and General Laws.

SB 1149—Economic Development, Tourism and Local Government.

SB 1150—Financial and Governmental Organizations and Elections.

SB 1151—Commerce, Energy and the Environment.

SB 1152—Education.

SB 1153—Pensions, Veterans’ Affairs and General Laws.

SB 1154—Pensions, Veterans' Affairs and General Laws.

SB 1155—Pensions, Veterans' Affairs and General Laws.

SB 1156—Pensions, Veterans' Affairs and General Laws.

SB 1157—Economic Development, Tourism and Local Government.

SB 1158—Education.

SB 1159—Judiciary and Civil and Criminal Jurisprudence.

SB 1160—Commerce, Energy and the Environment.

SB 1161—Commerce, Energy and the Environment.

On motion of Senator Shields, the Senate recessed until 6:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Callahan.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 1038**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Engler offered Senate Resolution No. 1919, regarding the city of Sainte Genevieve, which was adopted.

On behalf of Senator Bray, Senator Coleman offered Senate Resolution No. 1920, regarding Jacob Sandweiss, Saint Louis, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1921, regarding Eric Langhorst, Liberty, which was adopted.

Senator Engler offered Senate Resolution No. 1922, regarding the 2007-2008 South Iron County R-I High School basketball team, which was adopted.

Senator Vogel offered Senate Resolution No. 1923, regarding Tyler Griffith, Eldon, which was adopted.

Senator Kennedy offered Senate Resolution No. 1924, regarding John Armengol, Sr., Oakville, which was adopted.

Senator Kennedy offered Senate Resolution No. 1925, regarding Gabe Grossberg, which was adopted.

Senator Kennedy offered Senate Resolution No. 1926, regarding Barbara Grossberg, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Shields introduced to the Senate, Kylee Strough, her husband, Brett and their son, Connor, St. Joseph; and Connor was made an honorary page.

Senator Coleman introduced to the Senate, Gwen Crimm and Stephanie Cheeks, Gabrielle Fields, Ebonee Ali, Antoinette Oden, Jerome McLemore, Kris Wells, Lorenzo Bledsoe, Devin Dale, Shawn Like and Erston Mallet, students from Construction Career Center, St. Louis.

Senator Rupp introduced to the Senate, Jennifer Adams, Scott Avery, Patricia Brown, Andrew Conover, Myra Crook, Susan Dwars, Heidi Fairbanks, Pamela Faron, Kent Heintz, Lauren Janus, Cynthia Marsh, Steven Martinez, Colene McEntee, Margaret Menefee, Janice Mills, Laura Pendino, Robyn Peyton, Trevor Rees, James Roe, Cameron Satterfield, Ashley Weiss, Bryan Wiczorek, Rachel Wilmes, Jon Easterling, Jeff Chapple, Emily Weber, Laurie Stump, Rose Mack, Mike Bounds and Stephen Phelps, representatives of Vision St. Charles County Leadership.

Senator Nodler introduced to the Senate, Mayor John Biggs, Steven Garrett and Chuck Surface, Webb City.

Senator Mayer introduced to the Senate, Myra Callahan and Jane Marshall, Kennett; and Sherilyn Clark and DeeAnna Freeman, Ellington.

Senator Mayer introduced to the Senate, Malden City Officials, Rick Murray, Marilyn Fiddler, Jarrett Bullock, Dianna Rogers and Tom Hinson.

Senator Stouffer introduced to the Senate, members of the Class 1A State Champion Orrick High School football team.

Senator Dempsey introduced to the Senate, Mayor Len Pagano and his wife, Joyce; Alderman Dave Thomas and his children, Matthew and Sandra; and Councilman Richard Veit, St. Peters; and Matthew and Sandra were made honorary pages.

Senator Gibbons introduced to the Senate, the Physicians of the Day, Dr. Robert F. Curtin, M.D. and Dr. Laura J. Gardner, M.D., St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 21, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1162-Clemens
SB 1163-Rupp

SB 1164-Loudon
SB 1165-Crowell

SB 1166-Dempsey
SB 1167-Stouffer

SJR 46-Purgason
SJR 47-Wilson and Coleman

HOUSE BILLS ON SECOND READING

HB 1661-LeVota, et al
HCS for HB 1380
HB 1386-Cox and Ruestman
HB 1313-Wright, et al
HB 1311-Hoskins
HB 1628-Cooper (120)

HB 1670-Cooper (120)
HB 1320-Brown (50)
HCS for HB 1305
HB 1656-Nance and Cooper (120)
HCS for HB 1575
HB 1354-Wilson (119), et al

THIRD READING OF SENATE BILLS

SS for SCS for SB 718-Kennedy
SB 762-Wilson, et al

SB 1038-Shields

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 711-Gibbons, et al, with SCS,
SS for SCS and SA 2 (pending)
SB 720-Coleman, with SCS
SB 726-Shields, with SCS
SB 732-Champion, et al, with SCS
SBs 747 & 736-Ridgeway and Gibbons,
with SCS
SBs 754 & 794-Mayer and Loudon, with SCS
SB 759-Stouffer, with SCS
SBs 761 & 774-Stouffer, with SCS
SB 765-Goodman, et al, with SCS
SB 778-Justus, with SCS

SB 781-Smith, with SCS
SB 788-Scott, with SCS
SB 806-Engler, with SCS
SBs 818 & 795-Rupp, et al, with SCS
SB 821-Shoemyer, with SCS
SBs 840 & 857-Engler, with SCS
SB 907-Engler and Gibbons, with SCS
SB 929-Green and Callahan, with SCS
SB 958-Goodman
SB 997-Crowell
SB 1066-Ridgeway, et al

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 978-Griesheimer

SB 760-Stouffer, with SCS

Reported 2/14

SB 901-Loudon, et al, with SCS

SB 951-Scott, with SCS

SB 970-Scott

SB 1010-Nodler

SB 953-Scott

SB 1068-Mayer

SB 723-Scott

RESOLUTIONS

To be Referred

SCR 32-Purgason

HCR 4-Wright, et al

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Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 21, 2008

The Senate met pursuant to adjournment.

Senator Ridgeway in the Chair.

Reverend Carl Gauck offered the following prayer:

“Because he is bound to me in love, therefore will I deliver him; I will protect him because he knows my name.” (Psalm 91)

Merciful God, we call upon You this day to watch our going out and our coming in. That You will protect us as we drive home this day and bring us safely to those we love. Guide and direct us this day and lead us along Your right pathways. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

RESOLUTIONS

Senator Smith offered Senate Resolution No. 1927, regarding Dr. Terrance Freeman, which was adopted.

Senator Smith offered Senate Resolution No. 1928, regarding Dr. Octavia M. Peck-Palmer, which was adopted.

Senator Smith offered Senate Resolution No. 1929, regarding Dr. Samuel Achileful, which was adopted.

Senator Smith offered Senate Resolution No. 1930, regarding Irving Blue, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 1931

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Missouri Senate has a long tradition of rendering assistance to those organizations that sponsor projects in the interest of good citizenship; and

WHEREAS, the 2008 Missouri Youth Leadership Forum for Students with Disabilities, sponsored by the Governor's Council on Disability and the Missouri Planning Council for Developmental Disabilities, is an educational experience in state government for high school juniors and seniors with disabilities by allowing such youth to participate in the democratic process:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fourth General Assembly, hereby grant the 2008 Missouri Youth Leadership Forum for Students with Disabilities permission to use the Senate Chamber on Tuesday, July 29, 2008, from 1:00 p.m. to 3:30 p.m. for the purpose of holding a mock legislative session.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1931** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 1931** was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1168—By Dempsey and Smith.

An Act to repeal section 385.050, RSMo, and to enact in lieu thereof one new section relating to premium refund calculations for credit insurance.

SB 1169—By Champion.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to a school-based influenza vaccination pilot program.

SB 1170—By Mayer.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the rebuild Missouri schools program.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Kylee M. Strough, Democrat, as a member of the Missouri Western State University Board of Governors;

Also,

Randall M. Wheeler, Theodore L. Martin and Keith M. Henderson, as members of the State Blasting Safety Board;

Also,

Gary F. Toelke and Michael R. Covington, as members of the Amber Alert System Oversight Committee;

Also,

Gregory B. Allen and Anne G. Rottmann, as members of the State Historical Records Advisory Board;

Also,

Weldon R. Brady, Republican, as a member of the University of Central Missouri Board of Governors;

Also,

David J. Bywater, Democrat, as a member of the Amusement Ride Safety Board;

Also,

Gregory A. Roebach, as a member of the State Committee for Professional Counselors;

Also,

William F. Horn, Jr., as a member of the Missouri Planning Council on Development Disabilities.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

THIRD READING OF SENATE BILLS

SS for SCS for SB 718, introduced by Senator Kennedy, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 718

An Act to repeal sections 32.105, 135.815, 135.967, 620.495, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof seven new sections relating to certain programs administered by the department of economic development.

Was taken up.

On motion of Senator Kennedy, **SS for SCS for SB 718** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	McKenna	Nodler	Purgason	Ridgeway

Rupp Scott Shields Shoemyer Smith Stouffer Vogel Wilson—32

NAYS—Senators—None

Absent—Senator Mayer—1

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 762, introduced by Senator Wilson, et al, entitled:

An Act to repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to anti-bullying policies.

Was taken up.

On motion of Senator Wilson, **SB 762** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Wilson, title to the bill was agreed to.

Senator Wilson moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1038, introduced by Senator Shields, entitled:

An Act to repeal sections 130.016, 130.021, 130.037, 130.050 and 130.072, RSMo, and section 130.032 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for

senate committee substitute for senate bill no. 16, eighty-ninth general assembly, first regular session, and section 130.032 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof six new sections relating to campaign finance, with an emergency clause.

Was taken up.

On motion of Senator Shields, **SB 1038** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens	Crowell	Engler	Gibbons	Goodman
Green	Griesheimer	Kennedy	Koster	Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp	Scott	Shields	Stouffer	Vogel—24

NAYS—Senators

Barnitz	Coleman	Days	Dempsey	Graham	Justus	Shoemyer	Smith
Wilson—9							

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens	Crowell	Dempsey	Engler	Goodman
Green	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Scott	Shields	Shoemyer	Stouffer	Vogel—21			

NAYS—Senators

Barnitz	Coleman	Days	Gibbons	Graham	Griesheimer	Justus	Kennedy
Koster	Rupp	Smith	Wilson—12				

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Gibbons moved that **SB 711**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the

Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Mayer assumed the Chair.

Senator Ridgeway offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Page 51, Section 163.044, Line 21 of said page, by inserting after all of said line the following:

“164.151. 1. The questions on bond issues in all districts shall be submitted in substantially the following form:

Shall the board of education borrow money in the amount of dollars for the purpose of and issue bonds for the payment thereof **resulting in an estimated increase to the debt service property tax levy of (amount of estimated increase) per one hundred dollars of assessed valuation? If this proposition is approved, the adjusted debt service levy of the school district is estimated to increase from (amount of current school district levy) to (estimated adjusted debt service levy) per one hundred dollars assessed valuation of real and personal property.**

2. If the constitutionally required number of the votes cast are for the loan, the board may, subject to the restrictions of section 164.161, borrow money in the name of the district, to the amount and for the purpose specified in the notices aforesaid, and issue bonds of the district for the payment thereof.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above substitute amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Page 49, Section 139.031, Line 19, by inserting after all of said line the following:

“139.051. 1. The county collector in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants shall allow for the payment of all or any part of current and delinquent real property taxes, in equal quarterly installments over a period of time not greater than one year. The right to pay such taxes in installments shall be limited to taxpayers who own in fee simple real property and the real property is used by the owner as the owner's principal residence, or when jointly owned, the property is used by all joint owners as their principal residence.

2. Any delinquent taxes shall bear interest at the rate provided by section 140.100, RSMo, and shall be subject to the fees provided by law. A quarterly installment payment shall not be delinquent unless it is beyond thirty days past due.

3. The county official charged with the duties of the collector shall issue receipts for any installment payments.

4. Installment payments made at any time during a tax year shall not affect the taxpayer's right

to protest the amount of such tax payments under applicable provisions of law.

5. Subsection 1 of this section shall not apply to payment for real property taxes by financial institutions, as defined in section 381.410, RSMo, who pay tax obligations which they service from escrow accounts, as defined in Title 24, Part 3500, Section 17, Code of Federal Regulation, as amended.”; and

Further amend said bill, Page 49, Section 139.052, Line 20 of said page, by inserting after “1.” the following: **“Except as provided in section 139.051,”**; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Page 1, Section A, Line 9 of said page, by inserting after all of said line the following:

“52.240. 1. The statement and receipt required by section 52.230 shall be mailed to the address of the taxpayer as shown by the county assessor on the current tax books, and postage for the mailing of the statements and receipts shall be furnished by the county commission. The failure of the taxpayer to receive the notice provided for in section 52.230 in no case relieves the taxpayer of any tax liability imposed [on him] by law. No penalty or interest imposed under any law shall be charged on any real or personal property tax when there is clear and convincing evidence that the county made an error or omission in determining taxes owed by a taxpayer.

2. The county collector shall refund penalties, interest, and taxes if the county made an error or omission in determining taxes owed by the taxpayer. Any taxpayer claiming that the county made an error or omission in determining taxes owed may submit a written request for a refund of penalties, interest, or taxes to the county commission or governing body of the county. If the county commission or governing body of the county approves the refund, then such penalties, interest, or taxes shall be refunded as provided in subsection 5 of section 139.031, RSMo. The county commission shall approve or disapprove the taxpayer's written request within thirty days of receiving said request.

3. Nothing in this section shall relieve a taxpayer from paying taxes owed by December 31st and paying penalties and interest owed for failing to pay all taxes by December 31st.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Page 34, Section 137.275, Line 15 of said page, by inserting immediately after said line the following:

“137.335. The state tax commission shall design the necessary assessment blanks, which shall contain a classification of all tangible personal property, and the blanks shall be furnished to the county assessor sixty days before January first of each year. After receiving the form of the assessment blanks, the assessor or his deputies shall, between the first day of January and the fifteenth day of May of each year, unless the

time be extended for good cause shown by order of the county commission for a period expiring not later than May thirty-first, make and complete a list of all real and tangible personal property taxable by the county and assess the property at its true value in money; **except that in counties with a charter form of government, such list shall be completed not later than July first.**"; and

Further amend said bill, page 36, section 137.355, line 1 of said page, by inserting immediately after said line the following:

"137.375. 1. The assessor shall make out and return to the county commission, on or before the fifteenth day of May in every year, unless such time be extended as provided in section 137.335, **except in counties with a charter form of government where the return date shall be July first**, the assessor's book, verified by his affidavit annexed thereto, in the following words:

..... being duly sworn makes oath and says that he has made diligent efforts to ascertain all the taxable property being or situate on the first day of January last past, in the county of which he is assessor; that, so far as he has been able to ascertain the same, it is correctly set forth in the foregoing book, in the manner and the value thereof stated therein, according to the mode required by law.

2. The clerk of the county commission shall immediately make out an abstract of the assessment book, showing aggregate footings of the different columns, so as to set forth the aggregate amounts of the different kinds of real and tangible personal property and the valuation thereof, and forward the abstract to the state tax commission.

3. Upon failure to make out and forward the abstract to the state tax commission on or before the tenth day of June or within the additional time allowed by the county commission, **or by July tenth in counties with a charter form of government**, the clerk shall upon conviction be deemed guilty of a misdemeanor.

137.390. After the assessor's book shall be corrected and adjusted according to law, but not later than September twentieth of each year, **or in the case of counties with a charter form of government, not later than October first**, the county commission shall ascertain the sum necessary to be raised for county purposes, and fix the rate of taxes on the several subjects of taxation so as to raise the required sum, and the same shall be entered in proper columns in the tax book."; and

Further amend said bill, page 37, section 137.490, line 27 of said page, by inserting immediately after said line the following:

"137.510. The assessor shall make up the assessment plat books or records in convenient alphabetical or numerical order from the reports made by the deputy assessors, the lists, statements or returns made of real or tangible personal property, his own view, or the best information he can otherwise obtain, and complete said assessment plat books or records on or before [the first Monday in May] **July first** of each year.

137.515. After the assessment plat books or records have been corrected, the assessor shall make an abstract thereof showing the amount of the several kinds of property assessed and specifying the amount of value of all taxable property within the city, and certify thereon that the same is a true and correct abstract of all such property in the city so far as he has been able to ascertain. One copy of the abstract, verified by his oath, shall be delivered on or before the twentieth day of [June] **July** to the mayor, and another to the state tax commission."; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey assumed the Chair.

Senator Shoemyer offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Page 4, Section 67.110, Line 19 of said page, by inserting after all of said line the following:

“135.010. As used in sections 135.010 to 135.030 the following words and terms mean:

(1) “Claimant”, a person or persons claiming a credit under sections 135.010 to 135.030. If the persons are eligible to file a joint federal income tax return and reside at the same address at any time during the taxable year, then the credit may only be allowed if claimed on a combined Missouri income tax return or a combined claim return reporting their combined incomes and property taxes. A claimant shall not be allowed a property tax credit unless the claimant or spouse has attained the age of sixty-five on or before the last day of the calendar year and the claimant or spouse was a resident of Missouri for the entire year, or the claimant or spouse is a veteran of any branch of the armed forces of the United States or this state who became one hundred percent disabled as a result of such service, or the claimant or spouse is disabled as defined in subdivision (2) of this section, and such claimant or spouse provides proof of such disability in such form and manner, and at such times, as the director of revenue may require, or if the claimant has reached the age of sixty on or before the last day of the calendar year and such claimant received surviving spouse Social Security benefits during the calendar year and the claimant provides proof, as required by the director of revenue, that the claimant received surviving spouse Social Security benefits during the calendar year for which the credit will be claimed. A claimant shall not be allowed a property tax credit if the claimant filed a valid claim for a credit under section 137.106, RSMo, in the year following the year for which the property tax credit is claimed. The residency requirement shall be deemed to have been fulfilled for the purpose of determining the eligibility of a surviving spouse for a property tax credit if a person of the age of sixty-five years or older who would have otherwise met the requirements for a property tax credit dies before the last day of the calendar year. The residency requirement shall also be deemed to have been fulfilled for the purpose of determining the eligibility of a claimant who would have otherwise met the requirements for a property tax credit but who dies before the last day of the calendar year;

(2) “Disabled”, the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months. A claimant shall not be required to be gainfully employed prior to such disability to qualify for a property tax credit;

(3) “Gross rent”, amount paid by a claimant to a landlord for the rental, at arm's length, of a homestead during the calendar year, exclusive of charges for health and personal care services and food furnished as part of the rental agreement, whether or not expressly set out in the rental agreement. If the director of revenue determines that the landlord and tenant have not dealt at arm's length, and that the gross rent is excessive, then he shall determine the gross rent based upon a reasonable amount of rent. Gross rent shall be deemed to be paid only if actually paid prior to the date a return is filed. The director of revenue may prescribe regulations requiring a return of information by a landlord receiving rent, certifying for a calendar year the amount of gross rent received from a tenant claiming a property tax credit and shall, by regulation, provide a method for certification by the claimant of the amount of gross rent paid for any calendar year for

which a claim is made. The regulations authorized by this subdivision may require a landlord or a tenant or both to provide data relating to health and personal care services and to food. Neither a landlord nor a tenant may be required to provide data relating to utilities, furniture, home furnishings or appliances;

(4) “Homestead”, the dwelling in Missouri owned or rented by the claimant and not to exceed five acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. It may consist of part of a multidwelling or multipurpose building and part of the land upon which it is built. “Owned” includes a vendee in possession under a land contract and one or more tenants by the entireties, joint tenants, or tenants in common and includes a claimant actually in possession if he was the immediate former owner of record, if a lineal descendant is presently the owner of record, and if the claimant actually pays all taxes upon the property. It may include a mobile home;

(5) “Income”, Missouri adjusted gross income as defined in section 143.121, RSMo, less [two] **twenty** thousand dollars as an exemption for the claimant's spouse residing at the same address, and increased, where necessary, to reflect the following:

(a) Social Security, railroad retirement, and veterans payments and benefits unless the claimant is a one hundred percent service-connected, disabled veteran or a spouse of a one hundred percent service-connected, disabled veteran. The one hundred percent service-connected disabled veteran shall not be required to list veterans payments and benefits;

(b) The total amount of all other public and private pensions and annuities;

(c) Public relief, public assistance, and unemployment benefits received in cash, other than benefits received under this chapter;

(d) No deduction being allowed for losses not incurred in a trade or business;

(e) Interest on the obligations of the United States, any state, or any of their subdivisions and instrumentalities;

(6) “Property taxes accrued”, property taxes paid, exclusive of special assessments, penalties, interest, and charges for service levied on a claimant's homestead in any calendar year. Property taxes shall qualify for the credit only if actually paid prior to the date a return is filed. The director of revenue shall require a tax receipt or other proof of property tax payment. If a homestead is owned only partially by claimant, then “property taxes accrued” is that part of property taxes levied on the homestead which was actually paid by the claimant. For purposes of this subdivision, property taxes are “levied” when the tax roll is delivered to the director of revenue for collection. If a claimant owns a homestead part of the preceding calendar year and rents it or a different homestead for part of the same year, “property taxes accrued” means only taxes levied on the homestead both owned and occupied by the claimant, multiplied by the percentage of twelve months that such property was owned and occupied as the homestead of the claimant during the year. When a claimant owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of taxes allocable to those several properties occupied by the claimant as a homestead for the year. If a homestead is an integral part of a larger unit such as a farm, or multipurpose or multidwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For purposes of this subdivision “unit” refers to the parcel of property covered by a single tax statement of which the homestead is a part;

(7) “Rent constituting property taxes accrued”, twenty percent of the gross rent paid by a claimant and spouse in the calendar year.”; and

Further amend said bill, Page 5, Section 135.030, Line 6 of said page, by inserting after “dollars” the following: “. **For all calendar years beginning on or after January 1, 2009, the maximum upper limit shall be the sum of thirty-two thousand dollars**”; and further amend line 11 of said page, by inserting after “dollars.” the following: “**For all calendar years beginning on or after January 1, 2009, the minimum base shall be the sum of eighteen thousand dollars.**”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted.

Senator Gibbons offered **SSA 1** for **SA 6**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Page 4, Section 67.110, Line 19 of said page, by inserting after all of said line the following:

“135.010. As used in sections 135.010 to 135.030 the following words and terms mean:

(1) “Claimant”, a person or persons claiming a credit under sections 135.010 to 135.030. If the persons are eligible to file a joint federal income tax return and reside at the same address at any time during the taxable year, then the credit may only be allowed if claimed on a combined Missouri income tax return or a combined claim return reporting their combined incomes and property taxes. A claimant shall not be allowed a property tax credit unless the claimant or spouse has attained the age of sixty-five on or before the last day of the calendar year and the claimant or spouse was a resident of Missouri for the entire year, or the claimant or spouse is a veteran of any branch of the armed forces of the United States or this state who became one hundred percent disabled as a result of such service, or the claimant or spouse is disabled as defined in subdivision (2) of this section, and such claimant or spouse provides proof of such disability in such form and manner, and at such times, as the director of revenue may require, or if the claimant has reached the age of sixty on or before the last day of the calendar year and such claimant received surviving spouse Social Security benefits during the calendar year and the claimant provides proof, as required by the director of revenue, that the claimant received surviving spouse Social Security benefits during the calendar year for which the credit will be claimed. A claimant shall not be allowed a property tax credit if the claimant filed a valid claim for a credit under section 137.106, RSMo, in the year following the year for which the property tax credit is claimed. The residency requirement shall be deemed to have been fulfilled for the purpose of determining the eligibility of a surviving spouse for a property tax credit if a person of the age of sixty-five years or older who would have otherwise met the requirements for a property tax credit dies before the last day of the calendar year. The residency requirement shall also be deemed to have been fulfilled for the purpose of determining the eligibility of a claimant who would have otherwise met the requirements for a property tax credit but who dies before the last day of the calendar year;

(2) “Disabled”, the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months. A claimant shall not be required to be gainfully employed prior to such disability to qualify for a property tax credit;

(3) “Gross rent”, amount paid by a claimant to a landlord for the rental, at arm's length, of a homestead during the calendar year, exclusive of charges for health and personal care services and food furnished as part of the rental agreement, whether or not expressly set out in the rental agreement. If the director of

revenue determines that the landlord and tenant have not dealt at arm's length, and that the gross rent is excessive, then he shall determine the gross rent based upon a reasonable amount of rent. Gross rent shall be deemed to be paid only if actually paid prior to the date a return is filed. The director of revenue may prescribe regulations requiring a return of information by a landlord receiving rent, certifying for a calendar year the amount of gross rent received from a tenant claiming a property tax credit and shall, by regulation, provide a method for certification by the claimant of the amount of gross rent paid for any calendar year for which a claim is made. The regulations authorized by this subdivision may require a landlord or a tenant or both to provide data relating to health and personal care services and to food. Neither a landlord nor a tenant may be required to provide data relating to utilities, furniture, home furnishings or appliances;

(4) "Homestead", the dwelling in Missouri owned or rented by the claimant and not to exceed five acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. It may consist of part of a multidwelling or multipurpose building and part of the land upon which it is built. "Owned" includes a vendee in possession under a land contract and one or more tenants by the entireties, joint tenants, or tenants in common and includes a claimant actually in possession if he was the immediate former owner of record, if a lineal descendant is presently the owner of record, and if the claimant actually pays all taxes upon the property. It may include a mobile home;

(5) "Income", Missouri adjusted gross income as defined in section 143.121, RSMo, less two thousand dollars, **or in the case of a homestead owned and occupied, for the entire year, by the claimant, less ten thousand dollars** as an exemption for the claimant's spouse residing at the same address, and increased, where necessary, to reflect the following:

(a) Social Security, railroad retirement, and veterans payments and benefits unless the claimant is a one hundred percent service-connected, disabled veteran or a spouse of a one hundred percent service-connected, disabled veteran. The one hundred percent service-connected disabled veteran shall not be required to list veterans payments and benefits;

(b) The total amount of all other public and private pensions and annuities;

(c) Public relief, public assistance, and unemployment benefits received in cash, other than benefits received under this chapter;

(d) No deduction being allowed for losses not incurred in a trade or business;

(e) Interest on the obligations of the United States, any state, or any of their subdivisions and instrumentalities;

(6) "Property taxes accrued", property taxes paid, exclusive of special assessments, penalties, interest, and charges for service levied on a claimant's homestead in any calendar year. Property taxes shall qualify for the credit only if actually paid prior to the date a return is filed. The director of revenue shall require a tax receipt or other proof of property tax payment. If a homestead is owned only partially by claimant, then "property taxes accrued" is that part of property taxes levied on the homestead which was actually paid by the claimant. For purposes of this subdivision, property taxes are "levied" when the tax roll is delivered to the director of revenue for collection. If a claimant owns a homestead part of the preceding calendar year and rents it or a different homestead for part of the same year, "property taxes accrued" means only taxes levied on the homestead both owned and occupied by the claimant, multiplied by the percentage of twelve months that such property was owned and occupied as the homestead of the claimant during the year. When a claimant owns and occupies two or more different homesteads in the same calendar year, property taxes

accrued shall be the sum of taxes allocable to those several properties occupied by the claimant as a homestead for the year. If a homestead is an integral part of a larger unit such as a farm, or multipurpose or multidwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For purposes of this subdivision "unit" refers to the parcel of property covered by a single tax statement of which the homestead is a part;

(7) "Rent constituting property taxes accrued", twenty percent of the gross rent paid by a claimant and spouse in the calendar year."; and

Further amend said bill, Page 5, Section 135.030, Line 6 of said page, by inserting after "dollars" the following: **". In the case of a homestead owned and occupied, for the entire year, by the claimant, the maximum upper limit shall be the sum of thirty thousand dollars"**; and further amend line 11 of said page, by inserting after "dollars." the following: **"In the case of a homestead owned and occupied, for the entire year, by the claimant, the minimum base shall be the sum of fifteen thousand dollars."**; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above substitute amendment be adopted, which motion prevailed.

Senator Gibbons offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Page 42, Section 138.180, Line 14 of said page, by inserting immediately after said line the following:

"138.380. It shall be the duty of the state tax commission, and the commissioners shall have authority, to perform all duties enumerated in this section and such other duties as may be provided by law:

(1) To raise or lower the assessed valuation of any real or tangible personal property, including the power to raise or lower the assessed valuation of the real or tangible personal property of any individual, copartnership, company, association or corporation; provided, that before any such assessment is so raised, notice of the intention of the commission to raise such assessed valuation and of the time and place at which a hearing thereon will be held, shall be given to such individual, copartnership, company, association or corporation as provided in sections 138.460 and 138.470;

(2) To require from any officer in this state, on forms prescribed by the commission, such annual or other reports as shall enable said commission to ascertain the assessed and equalized value of all real and tangible property listed for taxation, the amount of taxes assessed, collected and returned, and such other matter as the commission may require, to the end that it may have complete information concerning the entire subject of revenue and taxation and all matters and things incidental thereto;

(3) To cause to be placed upon the assessment rolls at any time during the year omitted property which may be discovered to have, for any reason, escaped assessment and taxation, and to correct any errors that may be found on the assessment rolls and to cause the proper entry to be made thereon;

(4) To investigate the tax laws of other states and countries, to formulate and submit to the legislature such recommendations as the commission may deem expedient to prevent evasions of the assessment and taxing laws, whether the tax is specific or general, to secure just, equal and uniform taxes, and improve the system of assessment and taxation in this state;

(5) To prescribe the form of all blanks and books that are used in the assessment and collection of the

general property tax, except as otherwise provided by law; **and**

(6) To develop, or enter into contracts with entities for the development of, computer software programs sufficient to produce the projected tax liability notices required under subsections 2 and 3 of section 137.180, subsection 2 of section 137.355, and subsection 2 of section 137.490. Upon receiving a request, filed by a collector of any county or any city not within the county, the commission shall provide the collector with such computer software programs.”; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Page 31, Section 137.243, Line 4, by striking the word “county”; and

Further amend said bill, section and page, line 7, by striking the word “county”; and

Further amend said bill, section and page, line 11, by inserting immediately after the word “county”, the following:

“, or in the city for any city not within a county,”; and

Further amend said bill, section and page, line 16, by striking the word “county”; and

Further amend said bill, section and page, line 17, by striking the word “county”; and

Further amend said bill, section and page, line 20, by striking the word “county”; and

Further amend said bill, section and page, line 22, by inserting immediately after “137.180”, the following: **“, 137.355,”**.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons moved that **SS** for **SCS** for **SB 711**, as amended, be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS** for **SCS** for **SB 711**, as amended, was declared perfected and ordered printed.

Senator Mayer assumed the Chair.

Senator Ridgeway moved that **SB 1066** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Ridgeway offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 1066, Page 2, Section 168.021, Line 42, by striking the following: “elementary” and inserting in lieu thereof the following: **“early childhood education, elementary education,”; and**

Further amend said bill and section, page 5, line 146, by inserting after all of said line the following:

“8. The provisions of subdivision (4) of subsection 1 of this section, as well as any other provision of this section relating to the American Board for Certification of Teacher Excellence, shall terminate

on August 28, 2014.”

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 1066, Page 2, Section 168.021, Line 22, by inserting after “program” the following:

“, mathematics program, or science program”; and

Further amend said bill and section, page 5, line 146 by inserting after all of said line the following:

“168.630. 1. In order to attract and retain teachers with demonstrable or measurable qualities, experience, or credentials in the areas of math or science, the board of education for a school district may adopt a policy to provide additional stipends or bonuses to teachers of mathematics or science, irrespective of any collective bargaining agreement. The school board shall determine the amount of any such stipend.

2. Notwithstanding any other provision of law to the contrary, no school board shall enter into any contract or collective bargaining agreement that limits their ability to pay such stipends or bonuses.”; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, which motion failed.

Senator Green offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 1066, Page 5, Section 168.021, Line 146, by inserting immediately after said line the following:

“Section 1. Notwithstanding any provision of law to the contrary, the state auditor shall have the power to audit any school district within the state in the same manner as the auditor may audit any agency of the state.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 1066, Page 1, Section A, Line 2, by inserting after all of said line the following:

“160.254. 1. There is hereby established a joint committee of the general assembly, which shall be known as the “Joint Committee on Education”, which shall be composed of seven members of the senate and seven members of the house of representatives. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members by the speaker of the house.

2. The committee shall meet at least twice a year. In the event of three consecutive absences on the part of any member, such member may be removed from the committee.

3. The committee shall select either a chairman or cochairmen, one of whom shall be a member of the senate and one a member of the house. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairman or chairmen designate.

4. The committee shall:

(1) Review and monitor the progress of education in the state's public schools and institutions of higher education;

(2) Receive reports from the commissioner of education concerning the public schools and from the commissioner of higher education concerning institutions of higher education;

(3) Conduct a study and analysis of the public school system;

(4) Make recommendations to the general assembly for legislative action;

(5) Conduct an in-depth study concerning all issues relating to the equity and adequacy of the distribution of state school aid, teachers' salaries, funding for school buildings, and overall funding levels for schools and any other education funding-related issues the committee deems relevant;

(6) Monitor the establishment of performance measures as required by section 173.1006, RSMo, and report on their establishment to the governor and the general assembly;

(7) Conduct studies and analysis regarding:

(a) The higher education system, including financing public higher education and the provision of financial aid for higher education; and

(b) The feasibility of including students enrolled in proprietary schools, as that term is defined in section 173.600, RSMo, in all state-based financial aid programs;

(8) Annually review the collection of information under section 173.093, RSMo, to facilitate a more accurate comparison of the actual costs at public and private higher education institutions;

(9) Within three years of August 28, 2007, review a new model for the funding of public higher education institutions upon submission of such model by the coordinating board for higher education;

(10) Within three years of August 28, 2007, review the impact of the higher education student funding act established in sections 173.1000 to 173.1006;

(11) Beginning August 28, 2008, upon review, approve or deny any expenditures made by the commissioner of education pursuant to section 160.530, as provided in subsection 5 of section 160.530.

5. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of elementary and secondary education, the department of higher education, the coordinating board for higher education, the state tax commission, the department of economic development, all school districts and other political subdivisions of this state, teachers and teacher groups, business and other commercial interests and any other interested persons.

6. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.

160.530. 1. Beginning with fiscal year 1994 and for all fiscal years thereafter, in order to be eligible for state aid distributed pursuant to section 163.031, RSMo, a school district shall allocate one percent of

moneys received pursuant to section 163.031, RSMo, exclusive of categorical add-ons, to the professional development committee of the district as established in subdivision (1) of subsection 4 of section 168.400, RSMo. Of the moneys allocated to the professional development committee in any fiscal year as specified by this subsection, seventy-five percent of such funds shall be spent in the same fiscal year for purposes determined by the professional development committee after consultation with the administrators of the school district and approved by the local board of education as meeting the objectives of a school improvement plan of the district that has been developed by the local board. Moneys expended for staff training pursuant to any provisions of this act shall not be considered in determining the requirements for school districts imposed by this subsection.

2. Beginning with fiscal year 1994 and for all fiscal years thereafter, eighteen million dollars [of the moneys appropriated to the department of elementary and secondary education otherwise distributed to the public schools of the state pursuant to the provisions of section 163.031, RSMo, exclusive of categorical add-ons,] shall be distributed by the commissioner of education to address statewide areas of critical need for learning and development, **provided that such disbursements are approved by the joint committee on education as provided in subsection 5 of this section, and** as determined by rule and regulation of the state board of education with the advice of the commission established by section 160.510 and the advisory council provided by subsection 1 of section 168.015, RSMo. The moneys described in this subsection may be distributed by the commissioner of education to colleges, universities, private associations, professional education associations, statewide associations organized for the benefit of members of boards of education, public elementary and secondary schools, and other associations and organizations that provide professional development opportunities for teachers, administrators, family literacy personnel and boards of education for the purpose of addressing statewide areas of critical need, provided that subdivisions (1), (2) and (3) of this subsection shall constitute priority uses for such moneys. "Statewide areas of critical need for learning and development" shall include:

(1) Funding the operation of state management teams in districts with academically deficient schools and providing resources specified by the management team as needed in such districts;

(2) Funding for grants to districts, upon application to the department of elementary and secondary education, for resources identified as necessary by the district, for those districts which are failing to achieve assessment standards;

(3) Funding for family literacy programs;

(4) Ensuring that all children, especially children at risk, children with special needs, and gifted students are successful in school;

(5) Increasing parental involvement in the education of their children;

(6) Providing information which will assist public school administrators and teachers in understanding the process of site-based decision making;

(7) Implementing recommended curriculum frameworks as outlined in section 160.514;

(8) Training in new assessment techniques for students;

(9) Cooperating with law enforcement authorities to expand successful antidrug programs for students;

(10) Strengthening existing curricula of local school districts to stress drug and alcohol prevention;

(11) Implementing and promoting programs to combat gang activity in urban areas of the state;

(12) Establishing family schools, whereby such schools adopt proven models of one-stop state services for children and families;

(13) Expanding adult literacy services; and

(14) Training of members of boards of education in the areas deemed important for the training of effective board members as determined by the state board of education.

3. Beginning with fiscal year 1994 and for all fiscal years thereafter, two million dollars of the moneys appropriated to the department of elementary and secondary education otherwise distributed to the public schools of the state pursuant to the provisions of section 163.031, RSMo, exclusive of categorical add-ons, shall be distributed in grant awards by the state board of education, by rule and regulation, for the “Success Leads to Success” grant program, which is hereby created. The purpose of the success leads to success grant program shall be to recognize, disseminate and exchange information about the best professional teaching practices and programs in the state that address student needs, and to encourage the staffs of schools with these practices and programs to develop school-to-school networks to share these practices and programs.

4. The department shall include a listing of all expenditures under this section in the annual budget documentation presented to the governor and general assembly.

5. Prior to distributing any funds under subsection 2 of this section, the commissioner of education shall appear before the joint committee on education and present a proposed delineation of the programs to be funded under the provisions of subsection 2 of this section. The joint committee shall review all proposed spending under subsection 2 of this section and shall affirm, by a majority vote of all members serving on the committee, the spending proposal of the commissioner prior to any disbursement of funds under subsection 2 of this section.

6. If any provision of subdivision (11) of subsection 4 of section 160.254 or any provision of subsections 2 or 5 of this section regarding approval of disbursements by the joint committee on education are held to be invalid for any reason, then such decision shall invalidate subsection 2 of this section in its entirety.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SB 1066**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 55**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 5 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right to pray.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, Senator Shields submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1007**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1008**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which were referred **SB 909**, **SB 954**, **SB 934** and **SB 1003**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1061**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 999**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 952**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 850**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 749**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which

was referred **SB 896**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1039**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 729**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, Senator Shields submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 768**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 776**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1002**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 714**, **SB 933**, **SB 899** and **SB 758**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SJR 34** and **SJR 30**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 898**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws,

submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which were referred **SB 993** and **SB 770**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 991**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Mayer, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 873**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 846**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 942**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which were referred **SB 712** and **SB 882**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 809**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which were referred **SB 753**, **SB 728**, **SB 906** and **SB 1026**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 936**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 841**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 955**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 856**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SB 930** and **SB 947**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Nodler assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1171—By Goodman.

An Act to repeal section 313.812, RSMo, and to enact in lieu thereof one new section relating to the issuance of licenses to operate excursion gambling boats, with penalty provisions.

SB 1172—By Goodman.

An Act to repeal sections 571.010 and 571.070, RSMo, and to enact in lieu thereof two new sections relating to explosive weapons, with penalty provisions.

SB 1173—By Stouffer.

An Act to repeal section 197.318, RSMo, and to enact in lieu thereof one new section relating to the transfer of long-term care beds to certain new health care facilities.

REFERRALS

President Pro Tem Gibbons referred **SCR 32** and **HCR 4** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred **SB 901**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1162—Financial and Governmental Organizations and Elections.

SB 1163—Judiciary and Civil and Criminal Jurisprudence.

SB 1164—Small Business, Insurance and Industrial Relations.

SB 1165—Judiciary and Civil and Criminal Jurisprudence.

SB 1166—Health and Mental Health.

SB 1167—Pensions, Veterans' Affairs and General Laws.

RE-REFERRALS

President Pro Tem Gibbons re-referred **SB 1117** to the Committee on Commerce, Energy and the Environment.

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 1174, regarding the Thirty-fifth Wedding Anniversary of Mr. and Mrs. Samuel Goodman, Pierce City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, Jon and Darla Dwiggins, Macon.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, February 25, 2008.

SENATE CALENDAR

TWENTY-SIXTH DAY—MONDAY, FEBRUARY 25, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1168-Dempsey and Smith
SB 1169-Champion
SB 1170-Mayer
SB 1171-Goodman

SB 1172-Goodman
SB 1173-Stouffer
SJR 46-Purgason
SJR 47-Wilson and Coleman

HOUSE BILLS ON SECOND READING

HB 1661-LeVota, et al
HCS for HB 1380
HB 1386-Cox and Ruestman
HB 1313-Wright, et al
HB 1311-Hoskins
HB 1628-Cooper (120)
HB 1670-Cooper (120)

HB 1320-Brown (50)
HCS for HB 1305
HB 1656-Nance and Cooper (120)
HCS for HB 1575
HB 1354-Wilson (119), et al
HCS for HJR 55

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| 1. SB 1007-Loudon | 9. SB 898-Clemens, with SCS |
| 2. SBs 909, 954, 934 & 1003-Engler, with SCS | 10. SBs 993 & 770-Crowell, with SCS |
| 3. SB 749-Ridgeway, with SCS | 11. SB 873-Graham, with SCS |
| 4. SB 729-Griesheimer, with SCS | 12. SB 846-Rupp, with SCS |
| 5. SB 768-Rupp and Gibbons, with SCS | 13. SBs 712 & 882-Gibbons and Rupp, with SCS |
| 6. SB 776-Justus and Koster, with SCS | 14. SB 809-Stouffer, with SCS |
| 7. SBs 714, 933, 899 & 758-Loudon and
Gibbons, with SCS | 15. SBs 930 & 947-Stouffer, with SCS |
| 8. SJRs 34 & 30-Crowell and Coleman,
with SCS | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|-------------------------------------|
| SB 720-Coleman, with SCS | SB 788-Scott, with SCS |
| SB 726-Shields, with SCS | SB 806-Engler, with SCS |
| SB 732-Champion, et al, with SCS | SBs 818 & 795-Rupp, et al, with SCS |
| SBs 747 & 736-Ridgeway and Gibbons, with SCS | SB 821-Shoemyer, with SCS |
| SBs 754 & 794-Mayer and Loudon, with SCS | SBs 840 & 857-Engler, with SCS |
| SB 759-Stouffer, with SCS | SB 907-Engler and Gibbons, with SCS |
| SBs 761 & 774-Stouffer, with SCS | SB 929-Green and Callahan, with SCS |
| SB 765-Goodman, et al, with SCS | SB 958-Goodman |
| SB 778-Justus, with SCS | SB 997-Crowell |
| SB 781-Smith, with SCS | |

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 978-Griesheimer

SB 760-Stouffer, with SCS

Reported 2/14

SB 901-Loudon, et al, with SCS
(In Fiscal Oversight)
SB 970-Scott
SB 953-Scott

SB 723-Scott
SB 951-Scott, with SCS
SB 1010-Nodler
SB 1068-Mayer

Reported 2/21

SB 1008-Loudon, with SCS
SB 1061-Barnitz
SB 999-Scott
SB 952-Scott, with SCS
SB 850-Justus, with SCS
SB 896-Stouffer
SB 1039-Clemens, with SCS
SB 1002-Justus, et al

SB 991-Loudon and Kennedy
SB 942-Clemens, with SCS
SBs 753, 728, 906 & 1026-Mayer, with SCS
SB 936-Griesheimer
SB 841-Stouffer
SB 955-Shields
SB 856-Engler

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Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SIXTH DAY—MONDAY, FEBRUARY 25, 2008

The Senate met pursuant to adjournment.

Senator Rupp in the Chair.

Reverend Carl Gauck offered the following prayer:

“When you focus on being a blessing, God makes sure that you are always blessed in abundance.” (Joel Osteen)

As a servant people we come back together to serve and do those things that are required of us, so we pray, O Lord, that You will bless us so that we may walk Your path of obedience and righteousness and what we do may be a blessing to others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 21, 2008 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

RESOLUTIONS

Senator Scott offered Senate Resolution No. 1932, regarding Kristen Allcorn, Sedalia, which was

adopted.

Senator Ridgeway offered Senate Resolution No. 1933, regarding the Pharmaceutical Research and Manufacturers of America (PhRMA), which was adopted.

Senator Goodman offered Senate Resolution No. 1934, regarding the Thirty-fifth Wedding Anniversary of Mr. and Mrs. Samuel Goodman, Pierce City, which was adopted.

Senator Shields offered Senate Resolution No. 1935, regarding the Michael S. Gleason House, St. Joseph, which was adopted.

Senator Rupp offered Senate Resolution No. 1936, regarding the Economic Development Center Small Business Incubator, St. Charles County, which was adopted.

Senators Green and Days offered Senate Resolution No. 1937, regarding Sergeant Byron Watson, Florissant, which was adopted.

Senator Stouffer offered Senate Resolution No. 1938, regarding the Oaks Apartments, Excelsior Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 1939, regarding the Brockman Building, Fayette, which was adopted.

Senator Stouffer offered Senate Resolution No. 1940, regarding Class 3 State Wrestling Champion, Colin Pierce, which was adopted.

Senator Stouffer offered Senate Resolution No. 1941, regarding Gary O'Neal, rural Ray County, which was adopted.

Senator Clemens offered Senate Resolution No. 1942, regarding Kyle Joseph McMahan, Nixa, which was adopted.

Senator Days offered Senate Resolution No. 1943, regarding the Missouri Coalition of Minority and Women Business Owners, which was adopted.

Senator Days offered Senate Resolution No. 1944, regarding John Moten, Jr., Wildwood, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1174—By Goodman.

An Act to amend chapter 442, RSMo, by adding thereto one new section relating to real estate transfer fee covenants.

SB 1175—By Goodman.

An Act to repeal section 215.160, RSMo, and to enact in lieu thereof one new section relating to bonds and notes held by the Missouri housing development commission.

SB 1176—By Barnitz.

An Act to repeal section 571.101, RSMo, and to enact in lieu thereof one new section relating to concealed carry endorsements, with penalty provisions.

SB 1177—By Barnitz.

An Act to repeal section 632.005, RSMo, and to enact in lieu thereof one new section relating to licensed professional counselors.

SB 1178—By Barnitz.

An Act to repeal section 569.145, RSMo, and to enact in lieu thereof one new section relating to posting of property against trespassers, with penalty provisions.

SB 1179—By Crowell.

An Act to repeal section 42.010, RSMo, and to enact in lieu thereof one new section relating to veterans' cemeteries.

SB 1180—By Crowell.

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to an income tax exemption for certain retirement benefits.

SB 1181—By Engler.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to energy efficiency.

SB 1182—By Smith and Justus.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the Missouri 4 for More Program.

SB 1183—By Bray.

An Act to repeal section 215.020, RSMo, and to enact in lieu thereof two new sections relating to the Missouri housing development commission.

SB 1184—By Bray.

An Act to repeal sections 43.545, 455.200, 455.545, and 565.063, RSMo, and to enact in lieu thereof six new sections relating to domestic violence, with penalty provisions.

CONCURRENT RESOLUTIONS

Senator Bray offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 33

WHEREAS, during the past five years in Darfur, thousands of innocent victims have been murdered, tortured, and raped, with more than two million people driven from their homes; and

WHEREAS, on January 7, 2008, the Sudanese armed forces attacked a clearly marked United Nations - African Union Mission (UNAMID) peacekeeping convoy in Darfur; and

WHEREAS, on January 31, 2008, reports indicate that the Sudanese regime actively and substantively supported Chadian rebels in their nearly-successful attempt to overthrow the sovereign Chadian government in N'Djamena; and

WHEREAS, on February 8, 2008, the Sudanese regime renewed its military and proxy-militia attacks on Darfuri civilians, killing at least 15 and displacing more than 12,000 in several towns in west Darfur; and

WHEREAS, the Government of Sudan has marginalized the people of Darfur as well as Sudanese in other regions of that country, necessitating a comprehensive approach to the peace process; and

WHEREAS, some but not all of the parties to the conflict in Darfur have participated in the first round of a UN-African Union peace

process launched in October 2007 in Sirte, Libya; and

WHEREAS, the Comprehensive Peace Agreement (CPA) reached between the Government of Sudan and the Sudanese People's Liberation Movement (SPLM) in Southern Sudan and brokered by the intensive diplomatic efforts of Senator John Danforth in January 2005 has not been fully or evenly implemented; and

WHEREAS, the Government of Sudan has continued to stand in the way of the deployment of a joint UN-African Union peacekeeping force to Darfur that would include non-African elements; and

WHEREAS, elements of armed rebel movements in Darfur, including the Justice and Equality Movement (JEM), have made violent threats against the deploying peacekeeping force; and

WHEREAS, while these and other issues remain pending, it is the people of Darfur including those living in refugee camps who suffer the continuing consequences; and

WHEREAS, there are Sudanese who are U.S. citizens and presently reside in the state of Missouri who have been witness to the ongoing struggles that have taken place in their native country; and

WHEREAS, the mission of the St. Louis Save Darfur Coalition is to mobilize and educate a broad group of religious, human rights, campus and civic organizations in the St. Louis region on the genocide in the Darfur region of the Sudan and to stimulate advocacy efforts on behalf of the people of Darfur:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby calls upon the President of the United States to work closely with the European Union, China, Russia, and the Arab League to urge the Government of Sudan to allow the immediate and unfettered deployment of the UN-African Union peacekeeping force, including any and all non-African peacekeepers; and

BE IT FURTHER RESOLVED that the General Assembly calls upon the President of the United States and the United States Department of State to urge all invited individuals and movements to attend the next round of peace negotiations and not set preconditions for such participation; and

BE IT FURTHER RESOLVED that the General Assembly calls upon the President of the United States and the United States Department of State to urge the diverse rebel movements to set aside their differences and work together in order to better represent the people of Darfur and end their continued suffering; and

BE IT FURTHER RESOLVED that the General Assembly calls upon the President of the United States and the United States Department of State to encourage the participation of traditional Arab and African leaders from Darfur, women's groups, local NGOs, and leaders from internally displaced persons (IDP) camps in future talks; and

BE IT FURTHER RESOLVED that the General Assembly calls upon the President of the United States and the United States Department of State to condemn any action by any party – government or rebel – that undermines or delays the peace process; and

BE IT FURTHER RESOLVED that the General Assembly calls upon the President of the United States and the United States Department of State to urge the government of Sudan and non-signatories alike to declare and respect an immediate cessation of hostilities, cease distributing arms to internally displaced persons and across the border into Chad, and enable humanitarian organizations to have full unfettered access to populations in need; and

BE IT FURTHER RESOLVED that the General Assembly calls upon the President of the United States and the United States Department of State to urge all parties to the Comprehensive Peace Agreement (CPA) between North and South Sudan to support and respect all terms of the agreement; and

BE IT FURTHER RESOLVED that the General Assembly calls upon the Missouri congressional delegation to support all legislation that would assist in bringing peace to Sudan and humanitarian aid to those suffering because of the conflict; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the President Pro Tem of the United States Senate, the Speaker of the United States House of Representatives and each member of the Missouri congressional delegation.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 1066** and **SS** for **SCS** for **SB 711**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Goodman moved that **SB 765**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 765**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 765**

An Act to repeal section 72.080, RSMo, and to enact in lieu thereof one new section relating to incorporation of municipalities, with an emergency clause.

Was taken up.

Senator Goodman moved that **SCS** for **SB 765** be adopted.

Senator Callahan offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 765, Page 4, Section 72.080, Lines 96-98, by striking all of said lines.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Goodman moved that **SCS** for **SB 765**, as amended, be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **SB 765**, as amended, was declared perfected and ordered printed.

Senator Coleman moved that **SB 720**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 720**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 720**

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to hot weather maintenance of utility service.

Was taken up.

Senator Coleman moved that **SCS** for **SB 720** be adopted.

Senator Graham offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 720, Page 1, In the Title, Lines 2-3, by striking the following: "hot weather" and inserting in lieu thereof the following: "weather-related"; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said line the following:

“393.104. Discontinuance of gas and electric service to all residential users, including all residential tenants of apartment buildings, for nonpayment of bills where gas or electricity is used as the source of space heating or to control or operate the only space heating equipment at the residence is prohibited during the period of time beginning November first through March first.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Coleman moved that **SCS** for **SB 720**, as amended, be adopted, which motion prevailed.

On motion of Senator Coleman, **SCS** for **SB 720**, as amended, was declared perfected and ordered printed.

Senator Smith moved that **SB 781**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 781**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 781

An Act to repeal section 535.040, RSMo, and to enact in lieu thereof one new section relating to landlord-tenant actions.

Was taken up.

Senator Smith moved that **SCS** for **SB 781** be adopted.

Senator Smith offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 781, Page 1, Section 535.040, Line 19, by inserting after “2.” the following: **“Except for willful, wanton, or malicious acts or omissions,”**; and further amend line 20, by striking the word “anyone” and inserting in lieu thereof the following: **“any tenant or subtenant”**; and

Further amend said bill and section, page 2, line 22, by inserting after the word “dwelling” the following: **“by the tenant or subtenant of such dwelling”**.

Senator Smith moved that the above amendment be adopted, which motion prevailed.

Senator Smith moved that **SCS** for **SB 781**, as amended, be adopted, which motion prevailed.

On motion of Senator Smith, **SCS** for **SB 781**, as amended, was declared perfected and ordered printed.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 711** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Shoemyer moved that **SB 821**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 821**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 821

An Act to repeal section 208.955, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet oversight committee.

Was taken up.

Senator Shoemyer moved that **SCS** for **SB 821** be adopted.

Senator Shoemyer offered **SS** for **SCS** for **SB 821**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 821

An Act to repeal sections 208.152 and 208.955, RSMo, and to enact in lieu thereof two new sections relating to the MO HealthNet program.

Senator Shoemyer moved that **SS** for **SCS** for **SB 821** be adopted.

Senator Shields raised the point of order that **SS** for **SCS** for **SB 821** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

At the request of Senator Shoemyer, **SB 821**, with **SCS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 720** and **SCS** for **SB 765**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 1185—By Gibbons and Bartle.

An Act to repeal sections 229.110, 302.311, 302.750, 545.490, 550.050, 550.070, 550.080, 550.090, 566.147, 575.030, 575.100, 575.150, 575.260, 577.041, and 589.400, RSMo, and to enact in lieu thereof ten new sections relating to crime, with penalty provisions.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **HB 1774**, entitled:

An Act to repeal section 169.010, RSMo, and to enact in lieu thereof one new section relating to the Missouri public school retirement system, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1406**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment and administration of a drunk driving memorial sign program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 20, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lisa A. Cardone, Democrat, Route 7, Box 7329, Ava, Douglas County, Missouri 65608, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 2008, and until her successor is duly appointed and qualified; vice, James Willett, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 20, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard R. Popp, 4915 State Highway 94, Tebbetts, Callaway County, Missouri 65080, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2012, and until his successor is duly appointed and qualified; vice, Cecil Wood, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 20, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Randy L. Sanders, Republican, 306 Imperial Drive, O'Fallon, Saint Charles County, Missouri 63366, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2010, and until his successor is duly appointed and qualified; vice, Carolyn Mitchell-Pegue, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 20, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Martin J. Strussion, 21084 Cave Road, Sainte Genevieve, Sainte Genevieve County, Missouri 63670, as a member of the Missouri Wine and Grape Board, for a term ending October 28, 2011, and until his successor is duly appointed and qualified; vice, Andrew Hofherr, term expired.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 1168—Small Business, Insurance and Industrial Relations.

SB 1169—Seniors, Families and Public Health.

SB 1170—Education.

SB 1171—Pensions, Veterans' Affairs and General Laws.

SB 1172—Judiciary and Civil and Criminal Jurisprudence.

SB 1173—Seniors, Families and Public Health.

SJR 46—Commerce, Energy and the Environment.

SJR 47—Ways and Means.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 1661—Ways and Means.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1310**, entitled:

An Act to repeal section 115.329, RSMo, and to enact in lieu thereof one new section relating to independent candidates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-SEVENTH DAY—TUESDAY, FEBRUARY 26, 2008

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 1174-Goodman
SB 1175-Goodman
SB 1176-Barnitz
SB 1177-Barnitz
SB 1178-Barnitz
SB 1179-Crowell

SB 1180-Crowell
SB 1181-Engler
SB 1182-Smith and Justus
SB 1183-Bray
SB 1184-Bray
SB 1185-Gibbons and Bartle

HOUSE BILLS ON SECOND READING

HCS for HB 1380
HB 1386-Cox and Ruestman
HB 1313-Wright, et al
HB 1311-Hoskins
HB 1628-Cooper (120)
HB 1670-Cooper (120)
HB 1320-Brown (50)
HCS for HB 1305

HB 1656-Nance and Cooper (120)
HCS for HB 1575
HB 1354-Wilson (119), et al
HCS for HJR 55
HCS for HB 1774
HB 1406-Deeken, et al
HB 1310-Hoskins

THIRD READING OF SENATE BILLS

SB 1066-Ridgeway, et al
SS for SCS for SB 711-Gibbons
(In Fiscal Oversight)

SCS for SB 720-Coleman
SCS for SB 765-Goodman, et al

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| 1. SB 1007-Loudon | 9. SB 898-Clemens, with SCS |
| 2. SBs 909, 954, 934 & 1003-Engler, with SCS | 10. SBs 993 & 770-Crowell, with SCS |
| 3. SB 749-Ridgeway, with SCS | 11. SB 873-Graham, with SCS |
| 4. SB 729-Griesheimer, with SCS | 12. SB 846-Rupp, with SCS |
| 5. SB 768-Rupp and Gibbons, with SCS | 13. SBs 712 & 882-Gibbons and Rupp,
with SCS |
| 6. SB 776-Justus and Koster, with SCS | 14. SB 809-Stouffer, with SCS |
| 7. SBs 714, 933, 899 & 758-Loudon
and Gibbons, with SCS | 15. SBs 930 & 947-Stouffer, with SCS |
| 8. SJRs 34 & 30-Crowell and Coleman,
with SCS | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 726-Shields, with SCS	SB 806-Engler, with SCS
SB 732-Champion, et al, with SCS	SBs 818 & 795-Rupp, et al, with SCS
SBs 747 & 736-Ridgeway and Gibbons, with SCS	SB 821-Shoemyer, with SCS (pending)
SBs 754 & 794-Mayer and Loudon, with SCS	SBs 840 & 857-Engler, with SCS
SB 759-Stouffer, with SCS	SB 907-Engler and Gibbons, with SCS
SBs 761 & 774-Stouffer, with SCS	SB 929-Green and Callahan, with SCS
SB 778-Justus, with SCS	SB 958-Goodman
SB 788-Scott, with SCS	SB 997-Crowell

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 978-Griesheimer

SB 760-Stouffer, with SCS

Reported 2/14

SB 901-Loudon, et al, with SCS
(In Fiscal Oversight)
SB 970-Scott
SB 953-Scott

SB 723-Scott
SB 951-Scott, with SCS
SB 1010-Nodler
SB 1068-Mayer

Reported 2/21

SB 1008-Loudon, with SCS
SB 1061-Barnitz
SB 999-Scott
SB 952-Scott, with SCS
SB 850-Justus, with SCS
SB 896-Stouffer
SB 1039-Clemens, with SCS
SB 1002-Justus, et al

SB 991-Loudon and Kennedy
SB 942-Clemens, with SCS
SBs 753, 728, 906 & 1026-Mayer, with SCS
SB 936-Griesheimer
SB 841-Stouffer
SB 955-Shields
SB 856-Engler

RESOLUTIONS

To be Referred

SCR 33-Bray

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Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SEVENTH DAY—TUESDAY, FEBRUARY 26, 2008

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Behold, you have made my days a few handbreadths, and my lifetime is as nothing in your sight. Surely every man stands as a mere breath.” (Psalm 39:5)

O God, our lives are short and finite in comparison to Yours so teach us to value our limited time and see the precious gift we have been given so we may use it for the benefit of others and the glory of Your Holy Name. May our efforts be a blessing and our trust ever in You our God. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 1945, regarding Whitney and Day Kerr, Kansas City, which was adopted.

Senator Engler offered Senate Resolution No. 1946, regarding Jackie Berry, which was adopted.

Senator Kennedy offered Senate Resolution No. 1947, regarding the Ninetieth Birthday of Arthur R. Smith, which was adopted.

Senator Gibbons offered Senate Resolution No. 1948, regarding March of Dimes volunteers, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1949, regarding Tamara Cash, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1950, regarding Elizabeth Cruz, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1951, regarding Stacey Elliot, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1952, regarding Carrie Hottel, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1953, regarding Stephanie Hull, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1954, regarding Elsie Lee, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1955, regarding Sarah Sportsman, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1956, regarding Jessica Tasetano, which was adopted.

Senator Crowell offered Senate Resolution No. 1957, regarding the One Hundred First Birthday of Eula Lee Niswonger, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1958, regarding Nicholas James Narsh, Clarkson Valley, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1186—By Engler.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to immigration.

SB 1187—By Purgason.

An Act to repeal section 306.228, RSMo, and to enact in lieu thereof one new section relating to the number of uniformed members of the Missouri state water patrol.

SENATE BILLS FOR PERFECTION

Senator Stouffer moved that **SB 759**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 759**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 759

An Act to repeal section 414.255, RSMo, and to enact in lieu thereof one new section relating to biodiesel, with penalty provisions.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 759** be adopted.

Senator Crowell assumed the Chair.

Senator Bartle offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 759, Page 6, Section 414.255, Line 196, by inserting after all of said line the following:

“16. All biodiesel producers with in-state production facilities that are receiving any state assistance shall offer for sale at least fifty percent of their production to position holders at in-state qualified terminals or terminals.”.

Senator Bartle moved that the above amendment be adopted.

At the request of Senator Stouffer, **SB 759**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Scott.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 781**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 711**, begs leave to report that it has considered the same and recommends that the bill do pass.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1188—By Shields, Bray, Loudon, Engler, Kennedy and Dempsey.

An Act to repeal section 620.1039, RSMo, and to enact in lieu thereof one new section relating to tax

credits for qualified research expenses relating to agricultural biotechnology, plant genomics products, and prescription pharmaceuticals consumed by humans and animals.

SB 1189—By Shoemyer.

An Act to repeal section 161.670, RSMo, and to enact in lieu thereof one new section relating to the virtual public school.

SB 1190—By Nodler.

An Act to repeal section 620.010, RSMo, and to enact in lieu thereof one new section relating to the division of professional registration.

SB 1191—By Ridgeway.

An Act to repeal section 177.088, RSMo, and to enact in lieu thereof one new section relating to educational facilities.

SB 1192—By Ridgeway.

An Act to repeal sections 376.818 and 376.819, RSMo, and to enact in lieu thereof two new sections relating to individual accident and sickness insurance.

SB 1193—By Koster.

An Act to repeal sections 50.327 and 57.317, RSMo, and to enact in lieu thereof two new sections relating to county sheriff salaries.

SB 1194—By Goodman.

An Act to repeal sections 565.005, 565.006, 565.035, 565.040, 566.030, and 566.060, RSMo, and to enact in lieu thereof nine new sections relating to punishment for certain crimes against a child under the age of twelve, with penalty provisions.

SB 1195—By Goodman.

An Act to repeal section 302.720, RSMo, and to enact in lieu thereof one new section relating to the hazardous materials endorsement testing process.

SB 1196—By Goodman.

An Act to repeal section 610.023, RSMo, and to enact in lieu thereof one new section relating to requests for public records in certain formats.

SB 1197—By Crowell.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

SB 1198—By Purgason.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to use of public lands.

SENATE BILLS FOR PERFECTION

Senator Justus moved that **SB 778**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 778**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 778

An Act to amend chapters 167 and 376, RSMo, by adding thereto two new sections relating to immunizations against the human papillomavirus.

Was taken up.

Senator Justus moved that **SCS** for **SB 778** be adopted.

Senator Justus offered **SS** for **SCS** for **SB 778**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 778

An Act to amend chapter, 167, RSMo, by adding thereto one new section relating to immunizations against the human papillomavirus.

Was taken up.

Senator Justus moved that **SS** for **SCS** for **SB 778** be adopted, which motion prevailed.

On motion of Senator Justus, **SS** for **SCS** for **SB 778** was declared perfected and ordered printed.

Senator Engler moved that **SB 806**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 806**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 806

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to display of flags on government buildings.

Was taken up.

Senator Engler moved that **SCS** for **SB 806** be adopted.

Senator Engler offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 806, Page 1, Section 9.135, Line 4, by striking the word “and” and inserting in lieu thereof the following: “**or**”.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Engler moved that **SCS** for **SB 806**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SB 806**, as amended, was declared perfected and ordered printed.

Senator Goodman moved that **SB 958** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Goodman, **SB 958** was declared perfected and ordered printed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1199—By Goodman.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to limited mandate health insurance policies.

SB 1200—By Bray.

An Act to amend chapters 407 and 571, RSMo, by adding thereto three new sections relating to the sale of ammunition, with penalty provisions.

SB 1201—By Griesheimer.

An Act to repeal sections 67.010, 105.145, 238.202, 238.207, 238.212, 238.225, 238.235, 238.270, and 238.272, RSMo, and to enact in lieu thereof ten new sections relating to transportation development districts.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE LIEUTENANT GOVERNOR
State of Missouri
Jefferson City
65101
February 25, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Carl M. Greenwell, Democrat, 7562 Shelby 439, Shelbina, Shelby County, Missouri 63468, as a member of the Truman State University Board of Governors, for a term ending January 1, 2011, and until his successor is duly appointed and qualified; vice, Wilma Maddox, term expired.

Respectfully submitted,
/s/ Peter Kinder
PETER D. KINDER
Lieutenant Governor

Also,

OFFICE OF THE LIEUTENANT GOVERNOR
State of Missouri
Jefferson City
65101
February 25, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Karen S. Haber, Independent, 5900 North Beaman Avenue, Kansas City, Platte County, Missouri 64151, as a member of the Truman State University Board of Governors, for a term ending January 1, 2014, and until her successor is duly appointed and qualified; vice, Randa

Rawlins, term expired.

Respectfully submitted,
/s/ Peter Kinder
PETER D. KINDER
Lieutenant Governor

REPORTS OF STANDING COMMITTEES

On behalf of Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Goodman submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 778**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Barnitz offered Senate Resolution No. 1959, regarding Michael D. Dowdy, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 1960, regarding the Fifty-third Birthday of Karen Joan Dietz, St. James, which was adopted.

Senator Barnitz offered Senate Resolution No. 1961, regarding Jordan John Backes, which was adopted.

Senators Vogel and Barnitz offered Senate Resolution No. 1962, regarding Chad Michael Pica, which was adopted.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

February 21, 2008

Senator Mike Gibbons
President Pro Tem
Missouri Senate
State Capitol, Room 326
Jefferson City, MO 65101

Dear Senator Gibbons:

This is to advise you that I will be acting Governor February 22, 2008 at approximately 11:40 a.m. until the Governor returns on February 27, 2008 at approximately 4:30 p.m.

Please submit this to the Senate Journal. Thank you for your assistance.

Sincerely,
/s/ Peter Kinder
PETER D. KINDER
Lieutenant Governor

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Debbie Lee and Cassie Turner, Ashley Litton, Amanda Christian, Arika Simmons and Chelle Morgan, representatives of Mineral Area College student government,

Park Hills.

The President introduced to the Senate, Brock Olivo and his sister, Daisy, Columbia.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. David Reimers, M.D., Town and Country.

Senator Engler introduced to the Senate, Norma Enochs and Shandell Farris, Ellsinore.

Senator Ridgeway introduced to the Senate, Dr. Joseph A. Salomone, III, M.D., FAAEM, Kearney.

Senator Purgason introduced to the Senate, Cheryl Beason, Gainesville; and Troy Wiesner, Bakersfield.

Senator Purgason introduced to the Senate, Brenda Jackson, teachers and forty-five students from Fairview R-XI School, West Plains.

Senator Shoemyer introduced to the Senate, Donna Zumwalt, Mary Ann St. Clair, Tyler Clark and Clay Hayden, Hannibal; and Jan Golian, Center.

Senator Scott introduced to the Senate, Aaron Tucker, Nate Smith, Adrienne Bahr, Jeremy Budy and Emiley Oberle, Fort Scott Christian School, Fort Scott, Kansas.

Senator Crowell introduced to the Senate, Jeff and Tracy Glenn and their sons, Josh and Zac, Cape Girardeau; and Zac was made an honorary page.

Senator Ridgeway introduced to the Senate, Shelby Yates, Marqui Alexander, Erika White and Michelle Hutchins, Clay County.

Senator Kennedy introduced to the Senate, Kristi and Andrew Scoville and Chad Koenig, St. Louis.

Senator Shields introduced to the Senate, State Representative Mary Kasten, Cape Girardeau.

On motion of Senator Goodman, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-EIGHTH DAY–WEDNESDAY, FEBRUARY 27, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1174-Goodman

SB 1175-Goodman

SB 1176-Barnitz

SB 1177-Barnitz

SB 1178-Barnitz

SB 1179-Crowell

SB 1180-Crowell

SB 1181-Engler

SB 1182-Smith and Justus

SB 1183-Bray

SB 1184-Bray

SB 1185-Gibbons and Bartle

SB 1186-Engler

SB 1187-Purgason

SB 1188-Shields, et al
SB 1189-Shoemyer
SB 1190-Nodler
SB 1191-Ridgeway
SB 1192-Ridgeway
SB 1193-Koster
SB 1194-Goodman

SB 1195-Goodman
SB 1196-Goodman
SB 1197-Crowell
SB 1198-Purgason
SB 1199-Goodman
SB 1200-Bray
SB 1201-Griesheimer

HOUSE BILLS ON SECOND READING

HCS for HB 1380
HB 1386-Cox and Ruestman
HB 1313-Wright, et al
HB 1311-Hoskins
HB 1628-Cooper (120)
HB 1670-Cooper (120)
HB 1320-Brown (50)
HCS for HB 1305

HB 1656-Nance and Cooper (120)
HCS for HB 1575
HB 1354-Wilson (119), et al
HCS for HJR 55
HCS for HB 1774
HB 1406-Deeken, et al
HB 1310-Hoskins

THIRD READING OF SENATE BILLS

SB 1066-Ridgeway, et al
SS for SCS for SB 711-Gibbons
SCS for SB 720-Coleman

SCS for SB 765-Goodman, et al
SCS for SB 781-Smith
SS for SCS for SB 778-Justus

SENATE BILLS FOR PERFECTION

1. SB 1007-Loudon
2. SBs 909, 954, 934 & 1003-Engler, with SCS
3. SB 749-Ridgeway, with SCS
4. SB 729-Griesheimer, with SCS
5. SB 768-Rupp and Gibbons, with SCS
6. SB 776-Justus and Koster, with SCS
7. SBs 714, 933, 899 & 758-Loudon and Gibbons, with SCS
8. SJRs 34 & 30-Crowell and Coleman, with SCS

9. SB 898-Clemens, with SCS
10. SBs 993 & 770-Crowell, with SCS
11. SB 873-Graham, with SCS
12. SB 846-Rupp, with SCS
13. SBs 712 & 882-Gibbons and Rupp, with SCS
14. SB 809-Stouffer, with SCS
15. SBs 930 & 947-Stouffer, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 726-Shields, with SCS
 SB 732-Champion, et al, with SCS
 SBs 747 & 736-Ridgeway and Gibbons, with
 SCS
 SBs 754 & 794-Mayer and Loudon, with SCS
 SB 759-Stouffer, with SCS & SA 1
 (pending)
 SBs 761 & 774-Stouffer, with SCS

SB 788-Scott, with SCS
 SBs 818 & 795-Rupp, et al, with SCS
 SB 821-Shoemyer, with SCS (pending)
 SBs 840 & 857-Engler, with SCS
 SB 907-Engler and Gibbons, with SCS
 SB 929-Green and Callahan, with SCS
 SB 997-Crowell

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 978-Griesheimer

SB 760-Stouffer, with SCS

Reported 2/14

SB 901-Loudon, et al, with SCS
 (In Fiscal Oversight)
 SB 970-Scott
 SB 953-Scott

SB 723-Scott
 SB 951-Scott, with SCS
 SB 1010-Nodler
 SB 1068-Mayer

Reported 2/21

SB 1008-Loudon, with SCS
 SB 1061-Barnitz
 SB 999-Scott
 SB 952-Scott, with SCS
 SB 850-Justus, with SCS
 SB 896-Stouffer
 SB 1039-Clemens, with SCS
 SB 1002-Justus, et al

SB 991-Loudon and Kennedy
 SB 942-Clemens, with SCS
 SBs 753, 728, 906 & 1026-Mayer, with SCS
 SB 936-Griesheimer
 SB 841-Stouffer
 SB 955-Shields
 SB 856-Engler

RESOLUTIONS

To be Referred

SCR 33-Bray

✓

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 27, 2008

The Senate met pursuant to adjournment.

Senator Rupp in the Chair.

Reverend Carl Gauck offered the following prayer:

“Be merciful to me, O God, be merciful to me, for in you my soul takes refuge.” (Psalm 57:1a)

Merciful God, in the midst of concerns and tensions and loss we often feel unable to do our best so we seek Your help to see signs of hope and Your love that surrounds us each day. Help us to turn away from those things that can make us miserable and give us strength to do what is required of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

President Pro Tem Gibbons assumed the Chair.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Shields announced that photographers from KOMU-TV, KRCG-TV, MissouriNet and the

University of Missouri were given permission to take pictures in the Senate Chamber today.

Senator Shields requested unanimous consent of the body to allow Chancellor Brady Deaton to accompany the University of Missouri Tiger Football team into the Senate Chamber for special introduction, which request was granted.

RESOLUTIONS

Senator Champion offered Senate Resolution No. 1963, regarding Wing Lin “David” Leong, Springfield, which was adopted.

Senator Graham offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1964

Whereas, the members of the Missouri Senate feel it is altogether fitting and proper to pause from time to time to recognize individuals and organizations that have contributed to the welfare of this great state and its citizens or distinguished themselves through significant personal achievement; and

Whereas, the members now pause to recognize the University of Missouri Tigers Football Team, which brought honor to its school and its state on January 1, 2008, when the team won the Cotton Bowl in Dallas, Texas, defeating the 24th-ranked Arkansas Razorbacks with a score of 38-7; and

Whereas, this victory was the Tigers’ first New Year’s Day bowl victory since 1966, and it capped what was in many respects the most successful season in Mizzou history, despite playing the nation’s 13th most difficult schedule; and

Whereas, the Tigers went 12-2 during the 2007 regular season, and their twelve wins were the most ever in a single season, and the team won the Big 12 North Division with a league record of 7-1, and the regular season was capped off by a nationally televised win over arch-rival Kansas at Arrowhead Stadium in Kansas City, and the Tigers won with a score of 36-28, after which the Tigers were ranked Number One in the country; and

Whereas, Mizzou’s victories over Illinois and Kansas made Missouri the only team heading into the bowl season to defeat two BCS Bowl combatants; and

Whereas, Tiger players and coaches also garnered individual accolades, including quarterback Chase Daniel, who is Mizzou’s first-ever Heisman Trophy finalist, finishing fourth in the final vote, and the team had two consensus first-team All-Americans in 2007, the first time two players received such an honor in the same season, and those players were tight end Martin Rucker and wide receiver/kick returner Jeremy Maclin; and

Whereas, Tigers coach Gary Pinkel was a finalist for the Bear Bryant National Coach of the Year Award, among many other awards, and assistant head coach Dave Christensen was named National Offensive Coordinator of the Year by Rivals.com:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fourth General Assembly, applaud the University of Missouri Tigers Football Team and their stellar performance on New Year’s Day, with our best wishes for each player, assistant coaches, and head coach for continued success in the future; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the University of Missouri Football Tigers.

INTRODUCTIONS OF GUESTS

Senator Graham introduced to the Senate, players and coaches from the University of Missouri Tiger football team.

Head Coach Gary Pinkel assumed the dais and addressed the members of the Senate.

President Pro Tem Gibbons assumed the Chair.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 1965, regarding Gage Carter Herrington, St. Joseph,

which was adopted.

Senator Barnitz offered Senate Resolution No. 1966, regarding Tanna Collins, Rolla, which was adopted.

Senator Mayer offered Senate Resolution No. 1967, regarding Philip Eugene Crow, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 1968, regarding Alfredo “Pete” Leija, Morehouse, which was adopted.

Senator Goodman offered Senate Resolution No. 1969, regarding Newton Standridge, Norwalk, Iowa, which was adopted.

Senator Purgason offered Senate Resolution No. 1970, regarding Frederick Savage, Conway, which was adopted.

CONCURRENT RESOLUTIONS

Senator Purgason offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 34

WHEREAS, Missouri's long-standing agriculture tradition continues to thrive and contribute to our economy and to our families; and

WHEREAS, the state of Missouri has maintained a robust and lucrative agriculture culture, frequently ranking in the top ten among states with regard to the number of operating farms, hay, cotton, and corn production, cattle, hog, and turkey production, and more; and

WHEREAS, the economic benefits from these agricultural operations are profoundly important to our communities, to our state, and to our nation; and

WHEREAS, the farm family is the backbone of our state, as we, a legislative body, do swear to uphold and promote our farming community and protect the freedoms we share; and

WHEREAS, with the introduction of the Missouri Animal ID Program, a coordinated effort between the Missouri Department of Agriculture and the United States Department of Agriculture (USDA), the issues of food security and personal freedom became a reality for Missouri agriculture producers; and

WHEREAS, the USDA National Animal Identification System (NAIS) is currently and should remain a voluntary program with regard to animal identification programs and marketing practices; and

WHEREAS, the members of the Missouri General Assembly oppose such animal identification programs being mandatory:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the United States Department of Agriculture to continue the National Animal Identification System program as a voluntary program to allow agricultural families to direct their own future; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the United States Department of Agriculture and the Missouri Department of Agriculture.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 1202—By Crowell.

An Act to repeal sections 408.052, 408.140, and 408.233, RSMo, and to enact in lieu thereof three new sections relating to home and automobile security plans, with penalty provisions.

SB 1203—By Rupp.

An Act to repeal section 70.600, RSMo, and to enact in lieu thereof two new sections relating to the Missouri local government employees' retirement system.

SB 1204—By Goodman.

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to the disclosure of the distribution of state funds.

SB 1205—By Goodman.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a sales and use tax exemption for certain business purchases.

SB 1206—By Goodman.

An Act to repeal section 610.020, RSMo, and to enact in lieu thereof one new section relating to notice for public meetings of local governments, with penalty provisions.

SB 1207—By Goodman.

An Act to repeal section 198.074, RSMo, and to enact in lieu thereof one new section relating to sprinkler system requirements for long-term care facilities.

SB 1208—By Goodman.

An Act to repeal sections 513.600, 513.605, 513.607, 513.610, 513.612, 513.615, 513.617, 513.620, 513.623, 513.625, 513.630, 513.635, 513.637, 513.640, 513.645, 513.647, 513.649, 513.651, and 513.653, RSMo, and to enact in lieu thereof twenty-five new sections relating to criminal forfeiture reform, with penalty provisions.

SB 1209—By Callahan.

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to a local sales tax for the promotion of tourism.

SB 1210—By Callahan.

An Act to repeal section 105.711, RSMo, and to enact in lieu thereof one new section relating to the state legal expense fund.

SB 1211—By Callahan.

An Act to amend chapter 149, RSMo, by adding thereto one new section relating to tobacco products that can be lawfully sold in Missouri.

SB 1212—By Callahan.

An Act to repeal sections 160.261, 168.021, 168.071, 168.133, 210.135, 210.915, 210.922, and 556.037, RSMo, and to enact in lieu thereof eleven new sections relating to protecting children from sexual offenders, with penalty provisions.

SB 1213—By Bray.

An Act to amend chapter 135, RSMo, by adding thereto eighteen new sections relating to senior citizen homestead deferral of taxes.

SB 1214—By Bray.

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to racial and gender

equity in the membership of boards, commissions, committees, and councils.

SB 1215—By Bray, Days, Justus, Graham, Smith, Coleman and Wilson.

An Act to repeal section 170.015, RSMo, and to enact in lieu thereof seven new sections relating to reducing the number of abortions in the state through the prevention first act, with penalty provisions.

SB 1216—By Bray.

An Act to amend chapter 192, RSMo, by adding thereto five new sections relating to a health care quality report card.

SB 1217—By Stouffer and McKenna.

An Act to repeal section 30.605, RSMo, and to enact in lieu thereof three new sections relating to transportation funding, with an expiration date for a certain section and a referendum clause.

SB 1218—By Barnitz.

An Act to repeal section 476.083, RSMo, and to enact in lieu thereof one new section relating to circuit court marshals.

SB 1219—By Lager.

An Act to repeal section 1.205, RSMo, and to enact in lieu thereof one new section relating to unborn children.

SB 1220—By Lager.

An Act to repeal sections 32.057, 105.485, 135.030, 135.305, 135.348, 135.800, and 260.285, RSMo, and to enact in lieu thereof five new sections relating to certain state tax credit programs, with penalty provisions.

SB 1221—By Lager.

An Act to repeal section 160.730, RSMo, and to enact in lieu thereof five new sections relating to the P-20 council.

SB 1222—By Engler.

An Act to amend chapter 160, RSMo, by adding thereto seven new sections relating to drug testing of construction company employees on school property, with penalty provisions.

SB 1223—By Graham.

An Act to repeal sections 173.256 and 173.258, RSMo, and to enact in lieu thereof two new sections relating to the kids' chance scholarship fund.

SB 1224—By Mayer.

An Act to repeal section 417.210, RSMo, and to enact in lieu thereof one new section relating to fictitious name registration.

SB 1225—By Mayer.

An Act to repeal section 162.961, RSMo, and to enact in lieu thereof one new section relating to special education due process hearings.

SB 1226—By Mayer.

An Act to repeal section 162.963, RSMo, and to enact in lieu thereof one new section relating to special

education due process hearings.

SB 1227—By Mayer.

An Act to repeal sections 610.021 and 610.100, RSMo, and to enact in lieu thereof three new sections relating to confidential law enforcement information, with a penalty provision.

SB 1228—By Justus and Smith.

An Act to repeal section 130.032, RSMo, and section 130.032, as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, and to enact in lieu thereof one new section relating to campaign contributions.

SB 1229—By Koster, Kennedy and Smith.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to mandatory insurance for autism.

SB 1230—By Koster.

An Act to repeal sections 172.360, 174.130, 178.635, and 178.780, RSMo, and to enact in lieu thereof twenty-two new sections relating to immigration, with penalty provisions and an emergency clause.

SB 1231—By Loudon and Smith.

An Act to repeal section 115.249, RSMo, and to enact in lieu thereof seven new sections relating to instant runoff elections.

SB 1232—By Clemens.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to the personal finance graduation requirement.

SJR 48—By Stouffer and McKenna.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri, adopting one new section relating to transportation financing.

THIRD READING OF SENATE BILLS

SB 1066, introduced by Senator Ridgeway, et al, entitled:

An Act to repeal sections 160.254, 160.530, and 168.021, RSMo, and to enact in lieu thereof four new sections relating solely to teacher certification.

Was taken up.

Senator Rupp assumed the Chair.

Senator Mayer assumed the Chair.

Senator Ridgeway moved that **SB 1066** be read the 3rd time and finally passed.

At the request of Senator Ridgeway, **SB 1066** was placed on the Informal Calendar.

SS for **SCS** for **SB 711**, introduced by Senator Gibbons, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 711

An Act to repeal sections 52.240, 67.110, 135.010, 135.025, 135.030, 137.055, 137.073, 137.082, 137.180, 137.245, 137.275, 137.335, 137.355, 137.375, 137.390, 137.490, 137.510, 137.515, 137.720, 138.050, 138.090, 138.170, 138.180, 138.380, 138.395, 138.430, 139.031, 139.052, 163.044, and 164.151, RSMo, and to enact in lieu thereof thirty-one new sections relating to property taxation, with penalty provisions.

Was taken up.

On motion of Senator Gibbons, **SS** for **SCS** for **SB 711** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 958** and **SCS** for **SB 806**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 1233—By Shields.

An Act to repeal sections 190.100, 190.176, 190.200, 190.241, 190.243, and 190.245, RSMo, and to enact in lieu thereof six new sections relating to the designation of qualified hospitals as specified

myocardial infarction and stroke centers.

CONCURRENT RESOLUTIONS

Senators Shoemyer, Lager, Ridgeway, Goodman, Purgason, Barnitz, Mayer, Clemens, Nodler, Scott, Kennedy, Stouffer, Engler, Griesheimer and Bartle offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 35

WHEREAS, horse processing is the most tightly regulated of any animal harvest, and the horse is the only animal that has its transportation to processing regulated. If horse processing plants are forced to close and export options are eliminated, the Horse Welfare Coalition estimates that 90,000 to 100,000 unwanted horses annually would be exposed to potential abandonment and neglect; and

WHEREAS, the 90,000 to 100,000 additional unwanted horses each year would compete for adoption with the 32,000 wild horses that United States taxpayers are already paying \$40 million to shelter and feed; and

WHEREAS, the nation's inadequate, overburdened, and unregulated horse rescue and adoption facilities cannot handle the influx of the approximately 60,000 or more additional horses each year that would result from a harvesting ban, according to the Congressional Research Service; and

WHEREAS, many zoo animal diets rely on equine protein because it mimics what the animal would receive in the wild. Veterinarians and animal nutritionists say it is the healthiest diet for big cats and rare birds. If legislation shuts down horse processing facilities, the only source for this meat that is inspected by the U.S. Department of Agriculture (USDA) will be eliminated:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to strongly support the continuation of horse processing in the United States and to offer incentives that help create horse processing plants throughout the United States, such as state-inspected horse harvest for export; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly strongly encourage Congress to support new horse processing facilities and the continuation of existing facilities on both the state and national level; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly urge Congress to oppose S. 311 and H.R. 503 of the 110th Congress and strongly support the transportation and processing of horses in the United States and internationally; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly support the location of USDA-approved horse processing facilities on state, tribal, or private lands under mutually-acceptable and market-driven land leases and, if necessary, a mutually-acceptable assignment of revenues that meet the needs of all parties involved with the facility; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri Congressional delegation.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 1234—By Shields.

An Act to repeal section 135.967, RSMo, and to enact in lieu thereof one new section relating to enhanced enterprise zones.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1309**, entitled:

An Act to repeal sections 302.130 and 302.178, RSMo, and to enact in lieu thereof two new sections relating to driver's licenses, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Gibbons referred the Gubernatorial Appointments appearing on pages 364 and 365 of the Senate Journal for Tuesday, February 26, 2008 to the Committee on Gubernatorial Appointments.

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 778** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Shields, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

THIRD READING OF SENATE BILLS

Senator Ridgeway moved that **SB 1066** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Ridgeway moved that **SB 1066** be read the 3rd time and finally passed.

President Kinder assumed the Chair.

Senator Rupp assumed the Chair.

At the request of Senator Ridgeway, **SB 1066** was placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1235—By Justus.

An Act to repeal sections 362.550 and 456.8-816, RSMo, and to enact in lieu thereof two new sections relating to the Missouri uniform trust code.

SB 1236—By Crowell.

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to voter registration for hunting and fishing permit applicants.

SB 1237—By Goodman.

An Act to repeal section 532.480, RSMo, and to enact in lieu thereof one new section relating to release on bail.

SB 1238—By Goodman.

An Act to repeal section 575.150, RSMo, and to enact in lieu thereof one new section relating to resisting arrest, with penalty provisions.

SB 1239—By Dempsey.

An Act to repeal sections 302.060 and 302.171, RSMo, and to enact in lieu thereof three new sections relating to driver's licenses, with penalty provisions and an effective date.

SB 1240—By Dempsey.

An Act to repeal sections 311.332, 311.334, 311.335, 311.336, 311.338, and 311.490, RSMo, and to enact in lieu thereof three new sections relating to liquor control, with penalty provisions.

REFERRALS

President Pro Tem Gibbons referred **SCR 33** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 952**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1174—Judiciary and Civil and Criminal Jurisprudence.

SB 1175—Financial and Governmental Organizations and Elections.

SB 1176—Judiciary and Civil and Criminal Jurisprudence.

SB 1177—Financial and Governmental Organizations and Elections.

SB 1178—Agriculture, Conservation, Parks and Natural Resources.

SB 1179—Pensions, Veterans' Affairs and General Laws.

SB 1180—Pensions, Veterans' Affairs and General Laws.

SB 1181—Commerce, Energy and the Environment.

SB 1182—Education.

SB 1183—Financial and Governmental Organizations and Elections.

SB 1184—Judiciary and Civil and Criminal Jurisprudence.

SB 1185—Judiciary and Civil and Criminal Jurisprudence.

SB 1186—Pensions, Veterans' Affairs and General Laws.

SB 1187—Financial and Governmental Organizations and Elections.

SB 1188—Ways and Means.

SB 1189—Education.

SB 1190—Financial and Governmental Organizations and Elections.

SB 1191—Education.

SB 1192—Health and Mental Health.

SB 1193—Pensions, Veterans' Affairs and General Laws.

SB 1194—Judiciary and Civil and Criminal Jurisprudence.

SB 1195—Pensions, Veterans' Affairs and General Laws.

SB 1196—Financial and Governmental Organizations and Elections.

SB 1197—Pensions, Veterans' Affairs and General Laws.

SB 1198—Agriculture, Conservation, Parks and Natural Resources.

RE-REFERRALS

President Pro Tem Gibbons re-referred **SJR 46** to the Committee on Financial and Governmental Organizations and Elections.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 1241—By Nodler.

An Act to repeal sections 287.020, 287.200, 287.220, and 287.230, RSMo, and to enact in lieu thereof four new sections relating to workers' compensation, with an emergency clause.

On motion of Senator Shields, the Senate recessed until 8:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

THIRD READING OF SENATE BILLS

Senator Ridgeway moved that **SB 1066** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Mayer assumed the Chair.

On motion of Senator Ridgeway, **SB 1066** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Green	Griesheimer	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott	Shields	Smith
Stouffer—25							

NAYS—Senators

Barnitz	Bray	Justus	Kennedy	Shoemyer—5
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Absent—Senators

Graham	Koster—2
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Absent with leave—Senators

Vogel	Wilson—2
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Vacancies—None

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Rupp offered Senate Resolution No. 1971, regarding Erin Alexandria Key, Defiance, which was adopted.

Senator Crowell offered Senate Resolution No. 1972, regarding Christian Dulany McNew, Kelso, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Clemens introduced to the Senate, Kourtney Cantrell, Strafford.

Senator Days introduced to the Senate, Jarrell Auberry and Creta Sherman, Normandy.

Senator Engler introduced to the Senate, Nita Dunn and Neila Crane, Leadwood.

Senator Barnitz introduced to the Senate, Stephen Strobel, Chamois; and Stephen was made an honorary page.

Senator Barnitz introduced to the Senate, Bryce Kliethermes and Chase Barbarick, Linn; and Bryce and Chase were made honorary pages.

Senator Barnitz introduced to the Senate, Lee and Bethany Herndon, Linn.

Senator Justus introduced to the Senate, Emily Ellsworth, Grandview.

Senator Wilson introduced to the Senate, Asia Taylor, Raytown.

Senator Lager introduced to the Senate, Kimby Brown, Trenton.

Senator Goodman introduced to the Senate, Jennifer Carlin, Longview.

Senator Graham introduced to the Senate, Paige Nielson, Columbia.

Senator Graham introduced to the Senate, Brittney Apel, Huntsville.

Senator Vogel introduced to the Senate, Kelly Comstock, Tipton.

Senator Engler introduced to the Senate, Kara English, Olathe, Kansas.

Senator Green introduced to the Senate, Kendra Tatum, St. Louis County.

Senator Purgason introduced to the Senate, Joe Lakin, Springfield.

Senator Purgason introduced to the Senate, Courtnee Moore, Hartville.

Senator Mayer introduced to the Senate, Chelsea Nelson, Holcomb; and Chelsea was made an honorary page.

Senator Stouffer introduced to the Senate, Marie Milford, Sumner.

Senator Days introduced to the Senate, Annetta Vickers, St. Louis.

Senator Days introduced to the Senate, the Physician of the Day, Dr. Matt Linsenbardt, D.O., University City.

Senator Scott introduced to the Senate, Angel Sheets, LaMonte.

Senator Crowell introduced to the Senate, Zach Umfleet, Fredericktown.

Senator Barnitz introduced to the Senate, Mahala Mastin, Cuba.

Senator Shields introduced to the Senate, Tom Dixon, Clay County; and Jennifer Kneib, Vikki Smith and Linda Geib, St. Joseph.

Senator Griesheimer introduced to the Senate, Mark Wessels, Washington.

On behalf of Senator McKenna, Senator Griesheimer introduced to the Senate, Gina Sokolich, Arnold.

Senator Shields introduced to the Senate, Bryan and Sarah Kretzinger, St. Joseph.

Senator Scott introduced to the Senate, Douglas Osbourne and students from Sherwood High School, Creighton.

Senator Justus introduced to the Senate, Amber Schwierjohn, Columbia.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-NINTH DAY—THURSDAY, FEBRUARY 28, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1199-Goodman
SB 1200-Bray
SB 1201-Griesheimer
SB 1202-Crowell
SB 1203-Rupp
SB 1204-Goodman
SB 1205-Goodman
SB 1206-Goodman
SB 1207-Goodman
SB 1208-Goodman
SB 1209-Callahan
SB 1210-Callahan
SB 1211-Callahan
SB 1212-Callahan
SB 1213-Bray

SB 1214-Bray
SB 1215-Bray, et al
SB 1216-Bray
SB 1217-Stouffer and McKenna
SB 1218-Barnitz
SB 1219-Lager
SB 1220-Lager
SB 1221-Lager
SB 1222-Engler
SB 1223-Graham
SB 1224-Mayer
SB 1225-Mayer
SB 1226-Mayer
SB 1227-Mayer
SB 1228-Justus and Smith

SB 1229-Koster, et al
 SB 1230-Koster
 SB 1231-Loudon and Smith
 SB 1232-Clemens
 SB 1233-Shields
 SB 1234-Shields
 SB 1235-Justus

SB 1236-Crowell
 SB 1237-Goodman
 SB 1238-Goodman
 SB 1239-Dempsey
 SB 1240-Dempsey
 SB 1241-Nodler
 SJR 48-Stouffer and McKenna

HOUSE BILLS ON SECOND READING

HCS for HB 1380
 HB 1386-Cox and Ruestman
 HB 1313-Wright, et al
 HB 1311-Hoskins
 HB 1628-Cooper (120)
 HB 1670-Cooper (120)
 HB 1320-Brown (50)
 HCS for HB 1305

HB 1656-Nance and Cooper (120)
 HCS for HB 1575
 HB 1354-Wilson (119), et al
 HCS for HJR 55
 HCS for HB 1774
 HB 1406-Deeken, et al
 HB 1310-Hoskins
 HCS for HB 1309

THIRD READING OF SENATE BILLS

SCS for SB 720-Coleman
 SCS for SB 765-Goodman, et al
 SCS for SB 781-Smith
 SS for SCS for SB 778-Justus
 (In Fiscal Oversight)

SB 958-Goodman
 SCS for SB 806-Engler

SENATE BILLS FOR PERFECTION

1. SB 1007-Loudon
2. SBs 909, 954, 934 & 1003-Engler, with SCS
3. SB 749-Ridgeway, with SCS
4. SB 729-Griesheimer, with SCS
5. SB 768-Rupp and Gibbons, with SCS
6. SB 776-Justus and Koster, with SCS
7. SBs 714, 933, 899 & 758-Loudon and Gibbons, with SCS
8. SJRs 34 & 30-Crowell and Coleman, with SCS

9. SB 898-Clemens, with SCS
10. SBs 993 & 770-Crowell, with SCS
11. SB 873-Graham, with SCS
12. SB 846-Rupp, with SCS
13. SBs 712 & 882-Gibbons and Rupp, with SCS
14. SB 809-Stouffer, with SCS
15. SBs 930 & 947-Stouffer, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 726-Shields, with SCS	SB 788-Scott, with SCS
SB 732-Champion, et al, with SCS	SBs 818 & 795-Rupp, et al, with SCS
SBs 747 & 736-Ridgeway and Gibbons, with SCS	SB 821-Shoemyer, with SCS (pending)
SBs 754 & 794-Mayer and Loudon, with SCS	SBs 840 & 857-Engler, with SCS
SB 759-Stouffer, with SCS & SA 1 (pending)	SB 907-Engler and Gibbons, with SCS
SBs 761 & 774-Stouffer, with SCS	SB 929-Green and Callahan, with SCS
	SB 997-Crowell

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 978-Griesheimer	SB 760-Stouffer, with SCS
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Reported 2/14

SB 901-Loudon, et al, with SCS (In Fiscal Oversight)	SB 723-Scott
SB 970-Scott	SB 951-Scott, with SCS
SB 953-Scott	SB 1010-Nodler
	SB 1068-Mayer

Reported 2/21

SB 1008-Loudon, with SCS	SB 991-Loudon and Kennedy
SB 1061-Barnitz	SB 942-Clemens, with SCS
SB 999-Scott	SBs 753, 728, 906 & 1026-Mayer, with SCS
SB 850-Justus, with SCS	SB 936-Griesheimer
SB 896-Stouffer	SB 841-Stouffer
SB 1039-Clemens, with SCS	SB 955-Shields
SB 1002-Justus, et al	SB 856-Engler

RESOLUTIONS

To be Referred

SCR 34-Purgason	SCR 35-Shoemyer, et al
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Journal of the Senate

SECOND REGULAR SESSION

TWENTY-NINTH DAY—THURSDAY, FEBRUARY 28, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Three things restore a person’s good spirits: beautiful sounds, sights, and smells.” (Babylonian Talmud, Berakhot 57b)

Loving Father, our world often seems parched and we to often see ugliness about us so turn us from such places and direct us towards Your steadfast love and the love of those You have given to us and help us to see the beauty and caring around us and help us to enjoy the sights and sounds and delights You have created with them. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Dempsey offered Senate Resolution No. 1973, regarding Carl Harke, which was adopted.

Senator Dempsey offered Senate Resolution No. 1974, regarding Raymond Nadler, which was adopted.

Senator Dempsey offered Senate Resolution No. 1975, regarding Earl Siekman, which was adopted.

Senator Dempsey offered Senate Resolution No. 1976, regarding Glenn Faust, which was adopted.

Senator Dempsey offered Senate Resolution No. 1977, regarding Dennis R. “Denny” Sherman, which was adopted.

Senator Dempsey offered Senate Resolution No. 1978, regarding Kevin Toebben, which was adopted.

Senator Dempsey offered Senate Resolution No. 1979, regarding Gary Sherman, which was adopted.

Senator Dempsey offered Senate Resolution No. 1980, regarding Megan Gross, St. Charles, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1981, regarding the Fifty-fifth Wedding Anniversary of Bill and Betty Richard, Bowling Green, which was adopted.

Senator Engler offered Senate Resolution No. 1982, regarding Haley Montana Sutton, which was adopted.

Senator Engler offered Senate Resolution No. 1983, regarding Kallie Middleton, which was adopted.

Senator Engler offered Senate Resolution No. 1984, regarding Diane Frease Behlke, which was adopted.

Senator Barnitz offered Senate Resolution No. 1985, regarding Brenda J. Skaggs, St. James, which was adopted.

Senator Kennedy offered Senate Resolution No. 1986, regarding Teresa McConnell, St. Louis, which was adopted.

Senator Graham offered Senate Resolution No. 1987, regarding the One Hundred Fourth Birthday of Charles Jefferson, Columbia, which was adopted.

Senator Scott offered Senate Resolution No. 1988, regarding Paige Nicole Shipley, Sedalia, which was adopted.

Senator Scott offered Senate Resolution No. 1989, regarding Breanne Barnes, Stockton, which was adopted.

Senator Kennedy offered Senate Resolution No. 1990, regarding Jason Buck, Imperial, which was adopted.

Senator Smith offered Senate Resolution No. 1991, regarding the One Hundred Twenty-fifth Anniversary of Temple Beth El, Jefferson City, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

SB 1242—By Barnitz.

An Act to repeal sections 210.482, 210.486, 210.545, 210.565, 210.566, 453.026, and 453.030, RSMo, and to enact in lieu thereof seven new sections relating to foster care and adoption.

SB 1243—By Barnitz.

An Act to repeal section 575.150, RSMo, and to enact in lieu thereof one new section relating to resisting arrest, with penalty provisions.

SB 1244—By Barnitz.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the entrepreneurial development council.

SB 1245—By Nodler.

An Act to repeal sections 115.350 and 561.021, RSMo, and to enact in lieu thereof one new section relating to disqualification of candidates for public office.

SB 1246—By Justus.

An Act to repeal sections 43.545, 455.200, 455.545, and 565.063, RSMo, and to enact in lieu thereof four new sections relating to domestic violence, with penalty provisions.

SB 1247—By Coleman.

An Act to repeal sections 374.700, 374.705, 374.710, 374.715, 374.716, 374.720, 374.730, 374.735, 374.740, 374.750, 374.755, 374.760, 374.763, 374.764, 374.783, 374.784, 374.785, 374.786, and 374.787, RSMo, and to enact in lieu thereof twenty-three new sections relating to the licensure of bail bond and surety recovery agents, with penalty provisions.

SB 1248—By Mayer.

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to environmental permit coordination.

SB 1249—By Wilson.

An Act to amend chapter 452, RSMo, by adding thereto one new section relating to parenting coordinators.

SB 1250—By Wilson.

An Act to amend chapter 453, RSMo, by adding thereto one new section relating to foster care and adoption promotion.

SB 1251—By Days.

An Act to repeal sections 115.275 and 115.289, RSMo, and to enact in lieu thereof three new sections

relating to advance voting, with penalty provisions.

SB 1252—By Days.

An Act to repeal section 115.637, RSMo, and to enact in lieu thereof one new section relating to election offenses, with penalty provisions.

SB 1253—By Shoemyer.

An Act to amend chapter 52, RSMo, by adding thereto four new sections relating to property taxpayer information, with penalty provisions.

SB 1254—By Green.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to political subdivision services bidding standards.

SB 1255—By Purgason.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to public assistance for illegal immigrants.

SB 1256—By Lager.

An Act to repeal sections 92.110, 92.160, 92.210, and 92.250, RSMo, and to enact in lieu thereof four new sections relating to city earnings taxes.

SB 1257—By Goodman.

An Act to repeal sections 565.024, 565.081, 565.082, and 565.083, RSMo, and to enact in lieu thereof four new sections relating to assault of a highway worker, with penalty provisions.

SB 1258—By Goodman.

An Act to repeal sections 192.925, 197.500, 198.006, 198.070, 198.090, 198.532, 208.909, 208.912, 208.915, 210.900, 210.906, 210.933, 565.180, 565.182, 565.184, 565.188, 565.200, 660.010, 660.050, 660.053, 660.054, 660.055, 660.057, 660.058, 660.060, 660.062, 660.067, 660.069, 660.070, 660.099, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, 660.400, 660.403, 660.405, 660.407, 660.409, 660.411, 660.414, 660.416, 660.418, 660.420, 660.512, 660.600, 660.603, 660.605, 660.608, 660.620, and 660.625, RSMo, and to enact in lieu thereof fifty-nine new sections relating to protections for senior citizens, disabled persons, and children, with penalty provisions.

SB 1259—By Bartle.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

SB 1260—By Bartle.

An Act to repeal section 67.1850, RSMo, and to enact in lieu thereof one new section relating to licensing of a geographical information system by a community.

SB 1261—By Bray.

An Act to amend chapter 251, RSMo, by adding thereto one new section relating to collaboration among state departments to secure federal energy independence grants.

SB 1262—By Bray.

An Act to repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 144.030, 393.1020, 393.1025, 393.1030, 393.1035, and 393.1040, RSMo, and to enact in lieu thereof eleven new sections relating to renewable energy, with penalty provisions.

SB 1263—By Bray.

An Act to repeal sections 8.812, 64.170, 64.196, 64.205, 67.280, and 170.011, RSMo, and to enact in lieu thereof sixteen new sections relating to energy efficiency, with penalty provisions.

SB 1264—By Bray.

An Act to amend chapter 197, RSMo, by adding thereto eleven new sections relating to adverse health events.

SB 1265—By Bray.

An Act to amend chapter 389, RSMo, by adding thereto one new section relating to the regulation of contract carriers that transport railroad employees, with penalty provisions.

SB 1266—By Bray.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to Missouri adjusted gross income.

SB 1267—By Bray.

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to electronic voting systems, with an emergency clause.

SB 1268—By Ridgeway.

An Act to repeal section 143.191, RSMo, and to enact in lieu thereof one new section relating to withholding exemptions for state income tax purposes.

SB 1269—By Ridgeway and Goodman.

An Act to repeal section 544.470, RSMo, and to enact in lieu thereof one new section relating to bail for illegal aliens.

SB 1270—By Ridgeway.

An Act to repeal section 135.967, RSMo, and to enact in lieu thereof one new section relating to enhanced enterprise zones.

SB 1271—By Kennedy and Coleman.

An Act to amend chapter 473, RSMo, by adding thereto one new section relating to certain public

administrators.

SB 1272—By Kennedy.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the treatment of quality of care data, with penalty provisions.

SB 1273—By Wilson.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to teaching standards.

SB 1274—By Stouffer.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for contributions made to mentally retarded and developmental type disability care providers.

SB 1275—By Vogel.

An Act to repeal sections 142.900, 143.221, 143.511, 143.551, and 144.080, RSMo, and to enact in lieu thereof five new sections relating to electronic filing of returns for income, motor fuel, sales, and withholding taxes, with penalty provisions.

SB 1276—By Griesheimer.

An Act to repeal section 99.820, RSMo, section 99.825 as enacted by senate committee substitute for house committee substitute for house bill no. 741, ninety-fourth general assembly, first regular session, and section 99.825 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, and to enact in lieu thereof two new sections relating to tax increment financing.

SB 1277—By Scott, Smith, Justus, Callahan, Green, Coleman, Wilson, Koster, Kennedy, Shoemyer, McKenna, Shields, Bartle and Purgason.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to energy efficiency investments by electric and gas corporations.

SB 1278—By Shields.

An Act to repeal section 386.120, RSMo, and to enact in lieu thereof one new section relating to requirements for public service commission members.

SB 1279—By Clemens.

An Act to repeal section 196.075, RSMo, and to enact in lieu thereof one new section relating to misbranding of food.

SB 1280—By Clemens.

An Act to amend chapter 348, RSMo, by adding thereto six new sections relating to a livestock feed and crop input loan guarantee program.

SJR 49—By Lager.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 4(d)

of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to taxation of income.

SJR 50—By Lager.

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 27(a) of article IV of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to the commonsense obligation to provide accountability and spending stabilization act.

Senator Crowell assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Jennifer L. Kneib, as a member of the Missouri Higher Education Loan Authority;

Also,

Susan S. Jones, Democrat, as a member of the Clay County Board of Election Commissioners;

Also,

David A. Johnson, as a member of the State Blasting Safety Board;

Also,

Steve W. Luecker and Ronald D. Scheiderer, Democrats, as members of the State Fair Commission;

Also,

Venable M. Houts, as a member of the Missouri State Board of Accountancy;

Also,

Terry M. Mackey, as a member of the Missouri Planning Council on Developmental Disabilities;

Also,

William J. Luetkenhaus, Democrat, as a member of the Missouri Housing Development Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1121**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 996**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 865**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 717**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 885**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 822**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 756**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 764**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 1034** and **SB 802**, begs leave to report that it has considered the same and recommends that the

Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1058**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1009**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 944**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 939**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 1046**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 1116**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 1035**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason, Chairman of the Committee on Health and Mental Health, submitted the following report:

Mr. President: Your Committee on Health and Mental Health, to which was referred **SB 817**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight,

submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **SCS** for **SB 778** and **SCS** for **SB 901**, begs leave to report that it has considered the same and recommends that the bills do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 874**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer requested unanimous consent of the Senate to correct the committee report on **SB 822**, made by the Committee on Economic Development, Tourism and Local Government; stating that it was mistakenly turned in as a consent bill, when in fact it is not, which request was granted.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 881**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mayer, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 967**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 925**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 713**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

THIRD READING OF SENATE BILLS

SB 978, introduced by Senator Griesheimer, entitled:

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to recall of ambulance district board members.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 978** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer

Vogel Wilson—34

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 760, with **SCS**, introduced by Senator Stouffer, entitled:

An Act to repeal sections 390.071, 390.136, and 622.095, RSMo, and to enact in lieu thereof two new sections relating to implementing the unified carrier registration plan and agreement to conform with the Unified Carrier Registration Act of 2005, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 760**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 760

An Act to repeal sections 390.071, 390.136, and 622.095, RSMo, and to enact in lieu thereof two new sections relating to implementing the unified carrier registration plan and agreement to conform with the Unified Carrier Registration Act of 2005, with penalty provisions.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 760** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 760** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Koster—1

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 901, with **SCS**, introduced by Senator Loudon, et al, entitled:

An Act to repeal sections 287.020, 287.200, and 287.230, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 901**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 901

An Act to repeal sections 287.020, 287.200, and 287.230, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation, with an emergency clause.

Was taken up.

Senator Loudon moved that **SCS** for **SB 901** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **SB 901** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
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Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 970, introduced by Senator Scott, entitled:

An Act to repeal section 105.483, RSMo, and to enact in lieu thereof one new section relating to filing financial interest statements.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 970** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 953, introduced by Senator Scott, entitled:

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to authorization to close certain records.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 953** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 723, introduced by Senator Scott, entitled:

An Act to repeal sections 43.060 and 590.030, RSMo, and to enact in lieu thereof two new sections relating to educational requirements for certain law enforcement personnel.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 723** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer

Vogel
Wilson—34

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 951, with **SCS**, introduced by Senator Scott, entitled:

An Act to repeal sections 44.100, 361.240, and 362.048, RSMo, and to enact in lieu thereof three new sections relating to emergency response within financial institutions.

Was called from the Consent Calendar and taken up.

SCS for **SB 951**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 951

An Act to repeal sections 44.100, 361.240, and 362.048, RSMo, and to enact in lieu thereof three new sections relating to emergency response within financial institutions.

Was taken up.

Senator Scott moved that **SCS** for **SB 951** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 951** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1010, introduced by Senator Nodler, entitled:

An Act to authorize the conveyance of property owned by the state in Jasper County to Missouri

Southern State University.

Was called from the Consent Calendar and taken up.

On motion of Senator Nodler, **SB 1010** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1068, introduced by Senator Mayer, entitled:

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to the pharmacy rebates fund.

Was called from the Consent Calendar and taken up.

Senator Ridgeway assumed the Chair.

On motion of Senator Mayer, **SB 1068** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1008, with **SCS**, introduced by Senator Loudon, entitled:

An Act to repeal section 379.118, RSMo, and to enact in lieu thereof three new sections relating to the transmission of insurance-related information in specific formats.

Was called from the Consent Calendar and taken up.

SCS for **SB 1008**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1008

An Act to repeal section 379.118, RSMo, and to enact in lieu thereof three new sections relating to the transmission of insurance-related information in specific formats.

Was taken up.

Senator Loudon moved that **SCS** for **SB 1008** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **SB 1008** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Shields assumed the Chair.

SB 1061, introduced by Senator Barnitz, entitled:

An Act to amend chapter 58, RSMo, by adding thereto one new section relating to the registration of coroners and their assistants.

Was called from the Consent Calendar and taken up.

On motion of Senator Barnitz, **SB 1061** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Barnitz, title to the bill was agreed to.

Senator Barnitz moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 999, introduced by Senator Scott, entitled:

An Act to repeal section 427.225, RSMo, and to enact in lieu thereof one new section relating to the deceptive use of a financial institution's name.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 999** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senators—None

Absent—Senator Koster—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 850, with **SCS**, introduced by Senator Justus, entitled:

An Act to repeal section 336.140, RSMo, and to enact in lieu thereof one new section relating to the board of optometry.

Was called from the Consent Calendar and taken up.

SCS for **SB 850**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 850

An Act to repeal section 336.140, RSMo, and to enact in lieu thereof one new section relating to the board of optometry.

Was taken up.

Senator Justus moved that **SCS** for **SB 850** be adopted, which motion prevailed.

On motion of Senator Justus, **SCS** for **SB 850** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 896, introduced by Senator Stouffer, entitled:

An Act to repeal sections 233.010 and 233.155, RSMo, and to enact in lieu thereof five new sections

relating to incorporated road districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Stouffer, **SB 896** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1039, with **SCS**, introduced by Senator Clemens, entitled:

An Act to repeal section 190.335, RSMo, and to enact in lieu thereof one new section relating to emergency service boards.

Was called from the Consent Calendar and taken up.

SCS for **SB 1039**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1039

An Act to repeal section 190.335, RSMo, and to enact in lieu thereof one new section relating to emergency service boards.

Was taken up.

Senator Clemens moved that **SCS** for **SB 1039** be adopted, which motion prevailed.

On motion of Senator Clemens, **SCS** for **SB 1039** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1002, introduced by Senator Justus, et al, entitled:

An Act to repeal section 89.120, as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 89.120, as enacted by senate committee substitute for house bill no. 1352, eighty-ninth general assembly, second regular session, and to enact in lieu thereof one new section relating to zoning violation remedies, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Justus, **SB 1002** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 991, introduced by Senators Loudon and Kennedy, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the official state dessert.

Was called from the Consent Calendar and taken up by Senator Loudon.

On motion of Senator Loudon, **SB 991** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Clemens	Coleman	Crowell	Dempsey	Gibbons
Goodman	Griesheimer	Kennedy	Koster	Lager	Loudon	Mayer	McKenna
Nodler	Rupp	Scott	Shoemyer	Smith	Stouffer	Vogel	Wilson—24

NAYS—Senators

Bartle	Champion	Days	Engler	Graham	Green	Justus	Purgason
Ridgeway	Shields—10						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 942, with **SCS**, introduced by Senator Clemens, entitled:

An Act to repeal sections 340.337, 340.341, 340.375, 340.381, 340.384, 340.387, 340.390, 340.393, and 340.396, RSMo, and to enact in lieu thereof nine new sections relating to large animal veterinary students, with an expiration date for certain sections.

Was called from the Consent Calendar and taken up.

SCS for **SB 942**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 942

An Act to repeal sections 340.337, 340.341, 340.375, 340.381, 340.384, 340.387, 340.390, 340.393, and 340.396, RSMo, and to enact in lieu thereof nine new sections relating to large animal veterinary students, with an expiration date for certain sections.

Was taken up.

Senator Clemens moved that **SCS** for **SB 942** be adopted, which motion prevailed.

On motion of Senator Clemens, **SCS** for **SB 942** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
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Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 753, introduced by Senator Mayer; **SB 728**, introduced by Senator Shields; **SB 906**, introduced by Senator Vogel and **SB 1026**, introduced by Senator Scott, with **SCS**, entitled respectively:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Corporal Rickey L. Bell memorial highway.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment of the Deputy Charles M. Cook Memorial Highway.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment of the Lance Corporal Leon B. Deraps memorial highway.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

Were called from the Consent Calendar and taken up by Senator Mayer.

SCS for **SBs 753, 728, 906, and 1026**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 753, 728, 906 and 1026

An Act to amend chapter 227, RSMo, by adding thereto four new sections relating to the designation of memorial highways.

Was taken up.

Senator Mayer moved that **SCS** for **SB 753, 728, 906 and 1026** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SB 753, 728, 906 and 1026**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus

Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Dempsey assumed the Chair.

SB 936, introduced by Senator Griesheimer, entitled:

An Act to repeal section 643.340, RSMo, and to enact in lieu thereof one new section relating to motor vehicle emissions inspection process.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 936** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 841, introduced by Senator Stouffer, entitled:

An Act to repeal section 304.180, RSMo, and to enact in lieu thereof one new section relating to vehicle weight regulations.

Was called from the Consent Calendar and taken up.

On motion of Senator Stouffer, **SB 841** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 955, introduced by Senator Shields, entitled:

An Act to repeal section 301.140, RSMo, and to enact in lieu thereof one new section relating to refund of motor vehicle registration fees.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 955** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 856, introduced by Senator Engler, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the creation of the armed forces expeditionary medal license plate.

Was called from the Consent Calendar and taken up.

On motion of Senator Engler, **SB 856** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Bartle assumed the Chair.

SENATE BILLS FOR PERFECTION

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Coleman moved that the vote by which **SCS** for **SB 720**, as amended, was declared perfected and ordered printed be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer

Vogel Wilson—34

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Having voted on the prevailing side, Senator Coleman moved that the vote by which **SCS** for **SB 720**, as amended, was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Having voted on the prevailing side, Senator Coleman moved that the vote by which **SA 1** to **SCS** for **SB 720** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

SA 1 was again taken up.

At the request of Senator Graham, **SA 1** was withdrawn.

Senator Coleman moved that **SCS** for **SB 720** be adopted, which motion prevailed.

On motion of Senator Coleman, **SCS** for **SB 720** was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SCS for **SB 765**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 765

An Act to repeal section 72.080, RSMo, and to enact in lieu thereof one new section relating to incorporation of municipalities, with an emergency clause.

Was taken up by Senator Goodman.

On motion of Senator Goodman, **SCS** for **SB 765** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1281—By Griesheimer.

An Act to repeal sections 32.063, 136.055, 144.060, 144.069, 144.080, 144.081, 144.100, 144.130, and 144.525, RSMo, and to enact in lieu thereof ten new sections relating to collection of taxes by motor vehicle dealers, with penalty provisions.

SB 1282—By Smith.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to ACT test preparation.

SB 1283—By Dempsey, Shields, Ridgeway, Rupp and Kennedy.

An Act to repeal sections 23.140, 135.535, 135.562, 143.121, 191.400, 192.014, 192.083, 208.152, 208.955, 376.986, 660.062, and 660.750, RSMo, and to enact in lieu thereof sixty-nine new sections relating to the Missouri health transformation act of 2008.

SB 1284—By Ridgeway.

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to the suspension of driver's licenses and motor vehicle registrations for failing to pay towing charges.

SB 1285—By Ridgeway.

An Act to repeal sections 137.180, 137.355, and 137.490, RSMo, and to enact in lieu thereof four new sections relating to property taxation.

SB 1286—By Scott.

An Act to amend chapter 537, RSMo, by adding thereto three new sections relating to business premises safety.

SB 1287—By Scott.

An Act to repeal sections 211.031, 472.020, and 472.030, RSMo, and to enact in lieu thereof three new sections relating to concurrent jurisdiction for certain juvenile and probate proceedings.

SB 1288—By Shields.

An Act to repeal section 105.473, RSMo, and to enact in lieu thereof one new section relating to lobbyist reporting requirements for expenditures for committees of the house and senate.

REFERRALS

President Pro Tem Gibbons referred **SCR 34** and **SCR 35** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

- SB 1199**—Health and Mental Health.
- SB 1200**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1201**—Economic Development, Tourism and Local Government.
- SB 1202**—Financial and Governmental Organizations and Elections.
- SB 1203**—Pensions, Veterans' Affairs and General Laws.
- SB 1204**—Governmental Accountability and Fiscal Oversight.
- SB 1205**—Ways and Means.
- SB 1206**—Economic Development, Tourism and Local Government.
- SB 1207**—Seniors, Families and Public Health.
- SB 1208**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1209**—Economic Development, Tourism and Local Government.
- SB 1210**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1211**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1212**—Education.
- SB 1213**—Ways and Means.
- SB 1214**—Financial and Governmental Organizations and Elections.
- SB 1215**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1216**—Health and Mental Health.
- SB 1217**—Transportation.
- SB 1218**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1219**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1220**—Ways and Means.
- SB 1221**—Education.
- SB 1222**—Small Business, Insurance and Industrial Relations.
- SB 1223**—Education.
- SB 1224**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1225**—Education.
- SB 1226**—Education.
- SB 1227**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1228**—Financial and Governmental Organizations and Elections.

SB 1229—Pensions, Veterans' Affairs and General Laws.

SB 1230—Pensions, Veterans' Affairs and General Laws.

SB 1231—Financial and Governmental Organizations and Elections.

SB 1232—Education.

SB 1233—Health and Mental Health.

SB 1234—Ways and Means.

SB 1235—Judiciary and Civil and Criminal Jurisprudence.

SB 1236—Financial and Governmental Organizations and Elections.

SB 1237—Judiciary and Civil and Criminal Jurisprudence.

SB 1238—Judiciary and Civil and Criminal Jurisprudence.

SB 1239—Transportation.

SB 1240—Economic Development, Tourism and Local Government.

SB 1241—Small Business, Insurance and Industrial Relations.

SJR 48—Transportation.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1970**, entitled:

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to motor vehicle dealers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1763**, entitled:

An Act to repeal sections 116.080 and 116.090, RSMo, and to enact in lieu thereof two new sections relating to petition circulators, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1314**, entitled:

An Act to repeal sections 160.261, 168.021, 168.071, 168.133, 210.135, 210.915, 210.922, and 556.037, RSMo, and to enact in lieu thereof twelve new sections relating to protecting children from sexual offenders, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Justus introduced to the Senate, Patrick Bauman, Henry Gleason, Nick Hirner, Sam Weis, Danny Herrington, Caleb Ellermann, Carson Bode, Esteban Castillo, Sam Chapman, Robbie Holmquist, Eric Renner, Andrew Rios, Nicholas Schaible and Matthew Thorman, members of St. Peter's Catholic School Cub Scout Pack 118, Kansas City.

Senator Crowell introduced to the Senate, Marla Mills, Old Town Cape.

Senator Barnitz introduced to the Senate, Christina Burkholder, Belle; Brandy Barnes, Kayleigh Jones, Andrianna Stagner, Sarah Grahl, Julianne Skaggs and Andrea Rolufs, Rolla; and Donna McKeever, Jerome; representatives from Miss Missouri Outdoors Pageant.

Senator Shoemyer introduced to the Senate, Colin Cain, Jensen Crenshaw and Marsha Levengood, Canton.

Senator Shields introduced to the Senate, students from Hawthorn Elementary School, Kansas City.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, March 3, 2008.

SENATE CALENDAR

THIRTIETH DAY—MONDAY, MARCH 3, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1242-Barnitz	SB 1255-Purgason
SB 1243-Barnitz	SB 1256-Lager
SB 1244-Barnitz	SB 1257-Goodman
SB 1245-Nodler	SB 1258-Goodman
SB 1246-Justus	SB 1259-Bartle
SB 1247-Coleman	SB 1260-Bartle
SB 1248-Mayer	SB 1261-Bray
SB 1249-Wilson	SB 1262-Bray
SB 1250-Wilson	SB 1263-Bray
SB 1251-Days	SB 1264-Bray
SB 1252-Days	SB 1265-Bray
SB 1253-Shoemyer	SB 1266-Bray
SB 1254-Green	SB 1267-Bray

SB 1268-Ridgeway
SB 1269-Ridgeway and Goodman
SB 1270-Ridgeway
SB 1271-Kennedy and Coleman
SB 1272-Kennedy
SB 1273-Wilson
SB 1274-Stouffer
SB 1275-Vogel
SB 1276-Griesheimer
SB 1277-Scott, et al
SB 1278-Shields
SB 1279-Clemens

SB 1280-Clemens
SB 1281-Griesheimer
SB 1282-Smith
SB 1283-Dempsey, et al
SB 1284-Ridgeway
SB 1285-Ridgeway
SB 1286-Scott
SB 1287-Scott
SB 1288-Shields
SJR 49-Lager
SJR 50-Lager

HOUSE BILLS ON SECOND READING

HCS for HB 1380
HB 1386-Cox and Ruestman
HB 1313-Wright, et al
HB 1311-Hoskins
HB 1628-Cooper (120)
HB 1670-Cooper (120)
HB 1320-Brown (50)
HCS for HB 1305
HB 1656-Nance and Cooper (120)
HCS for HB 1575

HB 1354-Wilson (119), et al
HCS for HJR 55
HCS for HB 1774
HB 1406-Deeken, et al
HB 1310-Hoskins
HCS for HB 1309
HB 1970-Wasson
HCS for HB 1763
HCS for HB 1314

THIRD READING OF SENATE BILLS

SCS for SB 781-Smith
SS for SCS for SB 778-Justus

SB 958-Goodman
SCS for SB 806-Engler

SENATE BILLS FOR PERFECTION

1. SB 1007-Loudon
2. SBs 909, 954, 934 & 1003-Engler, with
SCS
3. SB 749-Ridgeway, with SCS
4. SB 729-Griesheimer, with SCS
5. SB 768-Rupp and Gibbons, with SCS

6. SB 776-Justus and Koster, with SCS
7. SBs 714, 933, 899 & 758-Loudon and
Gibbons, with SCS
8. SJRs 34 & 30-Crowell and Coleman,
with SCS
9. SB 898-Clemens, with SCS

- | | |
|--|------------------------------------|
| 10. SBs 993 & 770-Crowell, with SCS | 22. SBs 1034 & 802-Mayer, with SCS |
| 11. SB 873-Graham, with SCS | 23. SB 1058-Mayer |
| 12. SB 846-Rupp, with SCS | 24. SB 944-Engler, et al, with SCS |
| 13. SBs 712 & 882-Gibbons and Rupp, with SCS | 25. SB 939-Stouffer, with SCS |
| 14. SB 809-Stouffer, with SCS | 26. SB 1046-Mayer |
| 15. SBs 930 & 947-Stouffer, with SCS | 27. SB 1116-Days |
| 16. SB 996-Crowell, with SCS | 28. SB 1035-Scott, with SCS |
| 17. SB 865-Rupp and Gibbons, with SCS | 29. SB 817-Goodman |
| 18. SB 717-Kennedy and Shields | 30. SB 874-Graham, with SCS |
| 19. SB 822-Shoemyer | 31. SB 881-Green |
| 20. SB 756-Engler and Rupp, with SCS | 32. SB 967-Mayer, with SCS |
| 21. SB 764-Wilson, et al | 33. SB 713-Gibbons, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|-------------------------------------|
| SB 726-Shields, with SCS | SB 788-Scott, with SCS |
| SB 732-Champion, et al, with SCS | SBs 818 & 795-Rupp, et al, with SCS |
| SBs 747 & 736-Ridgeway and Gibbons, with SCS | SB 821-Shoemyer, with SCS (pending) |
| SBs 754 & 794-Mayer and Loudon, with SCS | SBs 840 & 857-Engler, with SCS |
| SB 759-Stouffer, with SCS & SA 1 (pending) | SB 907-Engler and Gibbons, with SCS |
| SBs 761 & 774-Stouffer, with SCS | SB 929-Green and Callahan, with SCS |
| | SB 997-Crowell |

CONSENT CALENDAR

Senate Bills

Reported 2/28

- | | |
|----------------|--------------------------|
| SB 1121-Loudon | SB 1009-Loudon, with SCS |
| SB 885-Graham | SB 925-Days |

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Journal of the Senate

SECOND REGULAR SESSION

THIRTIETH DAY—MONDAY, MARCH 3, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I will remember my covenant which is between me and you and every living creature of all flesh that is upon the earth.” (Genesis 9:15)

Eternal God, we remember the covenants that You have made with our ancestors and how You have broken into our troubled world and established Your kingdom with us. As we hear Your word we are also mindful of Your rule of Your left hand, the kingdom of this world and its governments. We pray we may fulfill our role in governing and do so through caring and justice that Your people may benefit from our good stewardship of this power You have given us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 28, 2008 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 1992, regarding Zach Kinne, rural Eagleville, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1993, regarding Rachel Priester, Washington, which was adopted.

Senator Kennedy offered Senate Resolution No. 1994, regarding Julie Volansky, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1995, regarding Jenny Kirchhofer, St. Louis, which was adopted.

Senator Days offered Senate Resolution No. 1996, regarding Sara Anderson, Bel-Nor, which was adopted.

Senator Nodler offered Senate Resolution No. 1997, regarding Webb City High School, which was adopted.

Senator McKenna offered Senate Resolution No. 1998, regarding the Sixty-third Wedding Anniversary of Mr. and Mrs. Paul Rainwater, Festus, which was adopted.

Senator Purgason offered Senate Resolution No. 1999, regarding Cassie Jones, Mountain Grove, which was adopted.

Senator Purgason offered Senate Resolution No. 2000, regarding Mollie Kellner, Houston, which was adopted.

On behalf of Senator Koster, Senator Coleman offered Senate Resolution No. 2001, regarding Colonel Constance H. Davis, which was adopted.

On behalf of Senator Koster, Senator Coleman offered Senate Resolution No. 2002, regarding the Sixtieth Wedding Anniversary of Bruce and Delores Stark, Drexel, which was adopted.

Senator Lager offered Senate Resolution No. 2003, regarding Megan Milford, Marceline, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2004, regarding the Mark Twain Lake Sailing Association, which was adopted.

Senator Mayer offered Senate Resolution No. 2005, regarding Dennis "Bullit" Hovis, Piedmont, which was adopted.

Senator Mayer offered Senate Resolution No. 2006, regarding Gaylon Watson, Piedmont, which was adopted.

Senator Goodman offered Senate Resolution No. 2007, regarding Anna Katherine Roberts, Walnut Shade, which was adopted.

Senator Lager offered Senate Resolution No. 2008, regarding Lewis Switlik, Cameron, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2009, regarding the Seventy-fifth Anniversary of Boy Scout Troop 412, Smithville, which was adopted.

Senator Crowell offered Senate Resolution No. 2010, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Blaine Kauffman, which was adopted.

Senator Crowell offered Senate Resolution No. 2011, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Wilke, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 2012, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. David E. Schaffner, Cape Girardeau, which was adopted.

Senator Shields announced that photographers from Mizzou Recreation were given permission to take pictures in the Senate Chamber today.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 720**, begs leave to report that it has examined the same and finds that the bill has been truly re-perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 754** and **SB 794**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 754** and **794**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 754 and 794

An Act to repeal sections 650.055 and 650.056, RSMo, and to enact in lieu thereof two new sections relating to the DNA profiling system, with penalty provisions.

Was taken up.

Senator Mayer moved that **SCS** for **SBs 754** and **794** be adopted, which motion prevailed.

Senator Rupp assumed the Chair.

On motion of Senator Mayer, **SCS** for **SBs 754** and **794** was declared perfected and ordered printed.

Senator Scott moved that **SB 788**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 788**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 788

An Act to repeal sections 43.543, 105.711, 135.520, 148.330, 209.285, 214.270, 256.453, 285.230, 320.082, 324.050, 324.128, 324.159, 324.200, 324.203, 324.240, 324.243, 324.400, 324.406, 324.475, 324.526, 325.010, 326.265, 327.051, 328.050, 329.025, 329.028, 329.210, 330.190, 331.100, 332.041, 332.327, 333.221, 334.123, 334.240, 334.400, 334.702, 334.735, 334.746, 334.800, 335.036, 336.160, 337.010, 337.090, 337.500, 337.600, 337.700, 338.130, 339.120, 339.507, 340.212, 345.035, 346.010,

354.305, 361.010, 361.092, 361.140, 361.160, 362.109, 362.332, 362.910, 367.500, 370.366, 374.045, 374.070, 374.075, 374.085, 374.115, 374.180, 374.202, 374.217, 374.220, 374.250, 374.456, 375.001, 375.261, 375.923, 381.410, 383.030, 407.020, 407.1085, 408.233, 408.570, 436.005, 443.803, 620.010, 620.105, 620.106, 620.111, 620.120, 620.125, 620.127, 620.130, 620.132, 620.135, 620.140, 620.145, 620.146, 620.148, 620.149, 620.150, 620.151, 620.153, 620.154, and 620.1063, RSMo, and to enact in lieu thereof one hundred thirteen new sections relating to reorganization of the department of insurance, financial institutions and professional registration, in keeping with Executive Order 06-04, with penalty provisions.

Was taken up.

Senator Scott moved that **SCS** for **SB 788** be adopted.

Senator Nodler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 788, Page 27, Section 324.001, Line 117, by inserting after all of said line the following:

“10. A compelling governmental interest shall be deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the division of professional registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue.”; and

further amend said section by renumbering the remaining subsections accordingly.

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SCS** for **SB 788**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 788**, as amended, was declared perfected and ordered printed.

Senator Ridgeway moved that **SB 747** and **SB 736**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 747** and **736**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 747 and 736

An Act to repeal sections 160.545, 311.310, 311.325, 577.021, 577.500, and 578.255, RSMo, and to enact in lieu thereof seven new sections relating to substance abuse, with penalty provisions.

Was taken up.

Senator Ridgeway moved that **SCS** for **SBs 747** and **736** be adopted.

Senator Ridgeway offered **SS** for **SCS** for **SBs 747** and **736**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 747 and 736

An Act to repeal sections 105.711, 160.545, 311.310, 311.325, 577.021, 577.500, and 578.255, RSMo, and to enact in lieu thereof eight new sections relating to substance abuse, with penalty provisions.

Senator Ridgeway moved that **SS** for **SCS** for **SBs 747** and **736** be adopted.

At the request of Senator Ridgeway, **SB 747** and **SB 736**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

Senator Bartle assumed the Chair.

Senator Rupp moved that **SB 818** and **SB 795**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 818** and **795**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 818 and 795

An Act to repeal sections 160.261, 542.276, 565.090, and 565.225, RSMo, and to enact in lieu thereof four new sections relating to crime, with penalty provisions.

Was taken up.

Senator Rupp moved that **SCS** for **SBs 818** and **795** be adopted.

Senator Rupp offered **SS** for **SCS** for **SBs 818** and **795**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 818 and 795

An Act to repeal sections 160.261, 565.090, and 565.225, RSMo, and to enact in lieu thereof three new sections relating to crimes of harassment, with penalty provisions.

Senator Rupp moved that **SS** for **SCS** for **SBs 818** and **795** be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SCS** for **SBs 818** and **795** was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HB 2020** and has taken up and passed **SS** for **SCS** for **HB 2020**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2014**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for purchase of equipment, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2008.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

- SB 1242**—Seniors, Families and Public Health.
- SB 1243**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1244**—Economic Development, Tourism and Local Government.
- SB 1245**—Financial and Governmental Organizations and Elections.
- SB 1246**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1247**—Financial and Governmental Organizations and Elections.
- SB 1248**—Commerce, Energy and the Environment.
- SB 1249**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1250**—Seniors, Families and Public Health.
- SB 1251**—Financial and Governmental Organizations and Elections.
- SB 1252**—Financial and Governmental Organizations and Elections.
- SB 1253**—Commerce, Energy and the Environment.
- SB 1254**—Economic Development, Tourism and Local Government.
- SB 1255**—Pensions, Veterans' Affairs and General Laws.
- SB 1256**—Ways and Means.
- SB 1257**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1258**—Seniors, Families and Public Health.
- SB 1259**—Seniors, Families and Public Health.
- SB 1260**—Economic Development, Tourism and Local Government.
- SB 1261**—Commerce, Energy and the Environment.
- SB 1262**—Commerce, Energy and the Environment.
- SB 1263**—Commerce, Energy and the Environment.
- SB 1264**—Health and Mental Health.
- SB 1265**—Transportation.
- SB 1266**—Ways and Means.
- SB 1267**—Financial and Governmental Organizations and Elections.
- SB 1268**—Pensions, Veterans' Affairs and General Laws.
- SB 1269**—Pensions, Veterans' Affairs and General Laws.
- SB 1270**—Economic Development, Tourism and Local Government.

SB 1271—Economic Development, Tourism and Local Government.

SB 1272—Health and Mental Health.

SB 1273—Education.

SB 1274—Ways and Means.

SB 1275—Ways and Means.

SB 1276—Economic Development, Tourism and Local Government.

SB 1277—Commerce, Energy and the Environment.

SB 1278—Commerce, Energy and the Environment.

SB 1279—Agriculture, Conservation, Parks and Natural Resources.

SB 1280—Agriculture, Conservation, Parks and Natural Resources.

SB 1281—Economic Development, Tourism and Local Government.

SB 1282—Education.

SB 1283—Health and Mental Health.

SB 1284—Transportation.

SB 1285—Ways and Means.

SB 1286—Judiciary and Civil and Criminal Jurisprudence.

SB 1287—Judiciary and Civil and Criminal Jurisprudence.

SB 1288—Financial and Governmental Organizations and Elections.

SJR 49—Ways and Means.

SJR 50—Ways and Means.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HCS for HB 1380—Seniors, Families and Public Health.

HB 1386—Health and Mental Health.

HB 1313—Pensions, Veterans' Affairs and General Laws.

HB 1311—Financial and Governmental Organizations and Elections.

HB 1628—Ways and Means.

HB 1670—Ways and Means.

HB 1320—Economic Development, Tourism and Local Government.

HCS for HB 1305—Education.

HB 1656—Seniors, Families and Public Health.

HCS for HB 1575—Transportation.

HB 1354—Transportation.

HCS for HJR 55—Pensions, Veterans' Affairs and General Laws.

HCS for HB 1774—Pensions, Veterans' Affairs and General Laws.

HB 1406—Transportation.

HB 1310—Financial and Governmental Organizations and Elections.

HCS for HB 1309—Transportation.

HB 1970—Commerce, Energy and the Environment.

HCS for HB 1763—Financial and Governmental Organizations and Elections.

HCS for HB 1314—Judiciary and Civil and Criminal Jurisprudence.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SBs 754 and 794** and **SCS for SB 788**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTIONS OF GUESTS

Senator Graham introduced to the Senate, President Adrien Caye and members of the 2007 National Intramural Recreational Sports Association National Open Champion University of Missouri Men's Club Soccer team.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-FIRST DAY—TUESDAY, MARCH 4, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 2014

THIRD READING OF SENATE BILLS

SCS for SB 781-Smith

SS for SCS for SB 778-Justus

SB 958-Goodman

SCS for SB 806-Engler

SCS for SB 720-Coleman
SCS for SBs 754 & 794-Mayer and Loudon

SCS for SB 788-Scott

SENATE BILLS FOR PERFECTION

- | | |
|--|---------------------------------------|
| 1. SB 1007-Loudon | 16. SB 996-Crowell, with SCS |
| 2. SBs 909, 954, 934 & 1003-Engler,
with SCS | 17. SB 865-Rupp and Gibbons, with SCS |
| 3. SB 749-Ridgeway, with SCS | 18. SB 717-Kennedy and Shields |
| 4. SB 729-Griesheimer, with SCS | 19. SB 822-Shoemyer |
| 5. SB 768-Rupp and Gibbons, with SCS | 20. SB 756-Engler and Rupp, with SCS |
| 6. SB 776-Justus and Koster, with SCS | 21. SB 764-Wilson, et al |
| 7. SBs 714, 933, 899 & 758-Loudon and
Gibbons, with SCS | 22. SBs 1034 & 802-Mayer, with SCS |
| 8. SJRs 34 & 30-Crowell and Coleman,
with SCS | 23. SB 1058-Mayer |
| 9. SB 898-Clemens, with SCS | 24. SB 944-Engler, et al, with SCS |
| 10. SBs 993 & 770-Crowell, with SCS | 25. SB 939-Stouffer, with SCS |
| 11. SB 873-Graham, with SCS | 26. SB 1046-Mayer |
| 12. SB 846-Rupp, with SCS | 27. SB 1116-Days |
| 13. SBs 712 & 882-Gibbons and Rupp, with SCS | 28. SB 1035-Scott, with SCS |
| 14. SB 809-Stouffer, with SCS | 29. SB 817-Goodman |
| 15. SBs 930 & 947-Stouffer, with SCS | 30. SB 874-Graham, with SCS |
| | 31. SB 881-Green |
| | 32. SB 967-Mayer, with SCS |
| | 33. SB 713-Gibbons, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 726-Shields, with SCS	SB 821-Shoemyer, with SCS (pending)
SB 732-Champion, et al, with SCS	SBs 840 & 857-Engler, with SCS
SBs 747 & 736-Ridgeway and Gibbons, with SCS & SS for SCS (pending)	SB 907-Engler and Gibbons, with SCS
SB 759-Stouffer, with SCS & SA 1 (pending)	SB 929-Green and Callahan, with SCS
SBs 761 & 774-Stouffer, with SCS	SB 997-Crowell

CONSENT CALENDAR

Senate Bills

Reported 2/28

SB 1121-Loudon
SB 885-Graham

SB 1009-Loudon, with SCS
SB 925-Days

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FIRST DAY—TUESDAY, MARCH 4, 2008

The Senate met pursuant to adjournment.

Senator Goodman in the Chair.

Reverend Carl Gauck offered the following prayer:

“Hear my cry, O God; attend unto my prayer. From the end of the earth will I cry unto thee, when my heart is overwhelmed...I will trust in the covert of thy wings. (Psalms 61:1, 2a, 4b)

Gracious God, we thank You for this day and pray that You will continue to hear us and direct us along Your righteous pathways. And we pray, mindful that our brother, Senator Gibbons goes home this day to await surgery tomorrow morning. So we pray that You will be a healing presence and comfort the anxieties of his family and ease his mind having hope in Your love. And we pray that You will guide the hands of the doctors and nurses who seek to promote new tissue, and healing so health will be his. All this we ask and more in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 2013, regarding Jennifer Pranger, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 2014, regarding Celeste Pounds, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 2015, regarding Sharon Riordan, St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 2016, regarding Morgan Walker Martz, Plattsburg, which was adopted.

Senator Crowell offered Senate Resolution No. 2017, regarding the Fiftieth Wedding Anniversary of Bob and Darlene Bachmann, Frohna, which was adopted.

Senators Champion, Engler and Shields offered Senate Resolution No. 2018, regarding the Missouri State University Pride Band, Springfield, which was adopted.

Senator Kennedy offered Senate Resolution No. 2019, regarding Kristen Dodd, Fenton, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SBs 818** and **795**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

SB 1007 was placed on the Informal Calendar.

At the request of Senator Engler, **SB 909**, **SB 954**, **SB 934** and **SB 1003**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Ridgeway, **SB 749**, with **SCS**, was placed on the Informal Calendar.

SB 729, with **SCS**, was placed on the Informal Calendar.

SB 768, with **SCS**, was placed on the Informal Calendar.

SB 776, with **SCS**, was placed on the Informal Calendar.

SB 714, **SB 933**, **SB 899** and **SB 758**, with **SCS**, were placed on the Informal Calendar.

SJR 34 and **SJR 30**, with **SCS**, were placed on the Informal Calendar.

SB 898, with **SCS**, was placed on the Informal Calendar.

SB 993 and **SB 770**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Graham, **SB 873**, with **SCS**, was placed on the Informal Calendar.

SB 846, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Gibbons, **SB 712** and **SB 882**, with **SCS**, were placed on the Informal Calendar.

SB 809, with **SCS**, was placed on the Informal Calendar.

SB 930 and **SB 947**, with **SCS**, were placed on the Informal Calendar.

SB 996, with **SCS**, was placed on the Informal Calendar.

SB 865, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kennedy, **SB 717** was placed on the Informal Calendar.

At the request of Senator Shoemyer, **SB 822** was placed on the Informal Calendar.

SB 756, with **SCS**, was placed on the Informal Calendar.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **SCS** for **HB 2020**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Goodman assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Wilson moved that **SB 764** be taken up for perfection, which motion prevailed.

Senator Wilson moved that **SB 764** be declared perfected and ordered printed.

Senator Crowell requested a roll call vote be taken on the perfection of **SB 764** and was joined in his request by Senators Lager, Purgason, Ridgeway and Shields.

Senator Engler assumed the Chair.

Senator Purgason offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 764, Page 2, Section 208.247, Line 23, by inserting after the word “parole” the following:

“; and

(6) Is subject to monthly drug and alcohol testing by the division of alcohol and drug abuse under such procedures as may be prescribed by the division”.

Senator Purgason moved that the above amendment be adopted.

Senator Goodman offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 764, Page 1, Line 6, by inserting after the word “division” the following:

“. Any individual who tests positive for the presence of a controlled substance, without a valid prescription, or alcohol shall no longer be exempt from the prohibition contained in 21 U.S.C. Section 862a(a) against eligibility for food stamp program benefits”.

Senator Goodman moved that the above amendment be adopted, and requested a roll call vote be taken. He was joined in his request by Senators Shields, Dempsey, Champion and Clemens.

President Kinder assumed the Chair.

Senator Griesheimer assumed the Chair.

SA 1 to **SA 1** was adopted by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Coleman	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senator Bray—1

Absent—Senator Koster—1

Absent with leave—Senator Bartle—1

Vacancies—None

SA 1, as amended, was again taken up.

Senator Purgason moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Champion, Clemens and Goodman.

SA 1, as amended, was adopted by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Coleman	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senator Bray—1

Absent—Senator Koster—1

Absent with leave—Senator Bartle—1

Vacancies—None

Senator Purgason offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 764, Page 1, Section 208.247, Line 4, by inserting after the word “shall” the following:

“not”.

Senator Purgason moved that the above amendment be adopted.

At the request of Senator Wilson, **SB 764**, with **SA 2** (pending), was placed on the Informal Calendar.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1093**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 811**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 957**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 990**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 1103**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 915**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal

Jurisprudence, Senator Shields submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 982**, **SB 834** and **SB 819**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 767**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 815**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 716**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 1059**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1595** and **1668**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for storm shelters.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1371**, entitled:

An Act to repeal section 135.903, RSMo, and to enact in lieu thereof one new section relating to rural empowerment zone criteria.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1678**, entitled:

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the interstate compact on educational opportunity for military children.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Matthew J. Aubuchon, 4420 Overbrook, Pasadena Hills, Saint Louis County, Missouri 63121, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Garland G. Barton, Route 3, Box 3973, Alton, Oregon County, Missouri 65606, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2010, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Martha E. Black, 739 East 210th Road, Charleston, Mississippi County, Missouri 63834, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2010, and until her successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ronald D. Boyer, Republican, 5654 East State Highway AF, Fair Grove, Greene County, Missouri 65648, as a member of the Air Conservation Commission, for a term ending October 13, 2011, and until his successor is duly appointed and qualified; vice, Michael Foresman, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Donald Alan Braun, Independent, 3108 Southwood Boulevard, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2011, and until his successor is duly appointed and qualified; vice, Ray Jagger, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Stephanie D. Briscoe, 16 Hubbard Place, Lathrop, Clinton County, Missouri 64465, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2010, and until her successor is duly appointed and qualified; vice, Dixie Crider, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gary L. Carver, 4411 Sterling Avenue, Kansas City, Jackson County, Missouri 64133, as a member of the Missouri State Board of Chiropractic Examiners, for a term ending March 4, 2012, and until his successor is duly appointed and qualified; vice, Lee Richardson, term

expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ryan S. Childress, 2655 West Farm Road 164, D204, Springfield, Greene County, Missouri 65807, as student representative of Missouri State University Board of Governors, for a term ending December 31, 2009, and until his successor is duly appointed and qualified; vice, Ryan Sivill, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William Duane Compton, Republican, 1412 East Charles, Republic, Greene County, Missouri 65738, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2010, and until his successor is duly appointed and qualified; vice, Carolyn Mitchell-Pegue, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael L. Deggendorf, 20208 NE 102nd Street, Liberty, Clay County, Missouri 64068, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Wendy D. Dillender, 709 Manor Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2009, and until her successor is duly appointed and qualified; vice, Jaynee Browning,

term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John S. Gaal, 211 Spring Oaks Court, Ballwin, Saint Louis County, Missouri 63011, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Carol L. Gossett, 2036 Trailcrest Lane, Unit 6, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2011, and until her successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Willard H. Halmich, Republican, 905 West 9th Street, Washington, Franklin County, Missouri 63090, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 2011, and until his successor is duly appointed and qualified; vice, Robert Arnold, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Zelemia Harris, 400 South 4th Street, Apartment 709, Saint Louis, Saint Louis City, Missouri 63102, as a member of the Missouri

Workforce Investment Board, for a term ending March 3, 2012, and until her successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sheila L. Hitt, 6686 County Road 258, Advance, Cape Girardeau County, Missouri 63730, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2011, and until her successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Matthew K. Kirby, 3791 State Route O, Higbee, Howard County, Missouri 65257, as a member of the Missouri Wine and Grape Board, for a term ending October 10, 2010, and until his successor is duly appointed and qualified; vice, Cara Stauffer, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert E. McAuliffe, 4731 Koglin Court, Saint Louis, Saint Louis County, Missouri 63123, as a member of the Missouri State Council on the Arts, for a term ending October 13, 2011, and until his successor is duly appointed and qualified; vice, Marilyn Tatlow, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Johnny Dwight McNeil, 1002 North Fourth Street, Ozark, Christian County, Missouri 65721, as a member of the Board of Private

Investigator Examiners, for a term ending March 4, 2012, and until his successor is duly appointed and qualified; vice, RSMo 324.1102.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Neil G. Nuttall, 11 NE Highway Y, Trenton, Grundy County, Missouri 63683, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Francis “Chris” Rey, 13558 Becker Place Drive, Saint Louis, Saint Louis County, Missouri 63128, as a member of the Board of Private Investigator Examiners, for a term ending March 4, 2012, and until his successor is duly appointed and qualified; vice, RSMo 324.1102.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dorothy E.A. Rowland, 20857 State Highway D, Dexter, Stoddard County, Missouri 63841, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until her successor is duly appointed and qualified; vice, Dorothy E.A. Rowland, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Wayne E. Sanders, 3724 Summit, Saint Charles, Saint Charles County, Missouri 63303, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2012, and until his successor is duly appointed and qualified; vice, Randall

Sammons, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Edward J. Twehous, 2631 Jennifer Drive, Jefferson City, Cole County, Missouri 65101, as a member of the State Blasting Safety Board, for a term ending January 15, 2013, and until his successor is duly appointed and qualified; vice, RSMo 319.324.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HCS for HB 2014—Appropriations.

RE-REFERRALS

President Pro Tem Gibbons re-referred **SB 1234** to the Committee on Economic Development, Tourism and Local Government.

President Pro Tem Gibbons re-referred **SB 1183** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Shields, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Nodler.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 1034** and **SB 802**, with **SCS**, be taken up for perfection, which motion prevailed.

President Kinder assumed the Chair.

SCS for SBs 1034 and 802, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1034 and 802

An Act to repeal section 407.300, RSMo, and to enact in lieu thereof five new sections relating to scrap metal, with penalty provisions.

Was taken up.

Senator Mayer moved that **SCS for SBs 1034 and 802** be adopted.

Senator Rupp assumed the Chair.

Senator Shoemyer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1034 and 802, Page 3, Section 407.303, Line 2, by striking the word “fifty” and inserting in lieu thereof the following: “**five hundred**”.

Senator Shoemyer moved that the above amendment be adopted.

Senator Mayer offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1034 and 802, Page 3, Section 407.303, Line 1, by inserting after “amount” the following: “**for copper or aluminum, excluding beverage containers,**”; and further amend line 2 of said section, by inserting after “check” the following: “**or any other payment method that may be traced**”.

Senator Mayer moved that the above substitute amendment be adopted, which motion prevailed.

Senator Mayer moved that **SCS** for **SBs 1034** and **802**, as amended, be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SBs 1034** and **802**, as amended, was declared perfected and ordered printed.

Senator Engler moved that **SB 756**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 756**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 756

An Act to repeal sections 630.003, 630.635, 633.005, 633.010, 633.029, 633.180, 633.185, and 633.190, RSMo, and to enact in lieu thereof eight new sections relating to the term “mental retardation” as used by the division of mental retardation and developmental disabilities.

Was taken up.

Senator Engler moved that **SCS** for **SB 756** be adopted.

At the request of Senator Engler, **SB 756**, with **SCS** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Engler offered Senate Resolution No. 2020, regarding the death of Marvin E. Kite, De Soto, which was adopted.

Senator Engler offered Senate Resolution No. 2021, regarding Pamela McNeely, which was adopted.

Senator Engler offered Senate Resolution No. 2022, regarding Diane Sutton, Ste. Genevieve, which was adopted.

Senator Clemens offered Senate Resolution No. 2023, regarding William Keith, Ozark, which was adopted.

Senator Crowell offered Senate Resolution No. 2024, regarding Bishop John Leibrecht of the Diocese of Springfield-Cape Girardeau, which was adopted.

Senators Bray, Griesheimer, Kennedy and Loudon offered Senate Resolution No. 2025, regarding The Oddly Charged Particles, which was adopted.

Senator Dempsey offered Senate Resolution No. 2026, regarding Johnathan M. Pelikan, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 2027, regarding Matthew Joseph Clohessy, St. Charles, which was adopted.

Senator Goodman offered Senate Resolution No. 2028, regarding Ted Dorton, which was adopted.

Senator Goodman offered Senate Resolution No. 2029, regarding Gene Mulvaney, which was adopted.

Senator Goodman offered Senate Resolution No. 2030, regarding Dr. Charles Cudney, which was adopted.

Senator Barnitz offered Senate Resolution No. 2031, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Gary Heavin, Doolittle, which was adopted.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

March 4, 2008

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

Dear Mrs. Spieler:

In the absence of Senator Bartle at 1 p.m. today, I am appointing Senator Jack Goodman as Chairman of the Senate Standing Committee on Judiciary from today to Monday, March 10th. Upon his return on March 10th, Senator Bartle will resume his duties as Chairman, and Senator Jack Goodman will resume his duties as Vice-Chairman of Judiciary.

Please do not hesitate to contact me if you have any questions regarding this matter.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

INTRODUCTIONS OF GUESTS

Senator Ridgeway introduced to the Senate, representatives of Missouri Ambulance Association and Emergency Medical Services from around the state.

Senator Gibbons introduced to the Senate, volunteers from the Missouri March of Dimes.

On behalf of Senator Engler and himself, Senator Kennedy introduced to the Senate, his cousin, John Scullin and his wife, Tammie and their son, Lucas Lashley; and Jon Maguffee, De Soto; and Lucas was made an honorary page.

Senator Graham introduced to the Senate, Dr. Kattesh Katti and his wife, Kavita and their children, Nahush and Sumidha; Dr. William M. Crist, M.D., Dean, University School of Medicine and Deputy Chancellor Mike Middleton, University of Missouri, Columbia.

Senator Crowell introduced to the Senate, his aunt, Barb Narsh, Cape Girardeau; his cousin, Joe Narsh

and his children, Riley and Dylan, St. Louis.

On behalf of Senators Justus, Wilson, Callahan, Shields and herself, Senator Ridgeway introduced to the Senate, Jason White and members of Metropolitan Ambulance Services Trust and Missouri Ambulance Association, Kansas City.

Senator Mayer introduced to the Senate, Principal Claire Wallace, Lugenia Counce, Heather Pullam, Susan Prater, Amy Sayre and fifteen fourth and fifth grade students from Caruthersville Elementary School, and Hayden and Mary Claire Tillman, Gwen Koerber and Darion Jones were made honorary pages.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Tom Stamos, M.D., St. Louis.

Senator Coleman introduced to the Senate, Margot Dankner, Washington, D.C.; Josh Smith, St. Louis; Senayt Rahwa, Denver, Colorado; and Meredith Turk, Cleveland, Ohio.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SECOND DAY—WEDNESDAY, MARCH 5, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 1595 & 1668
HB 1371-Wilson (119), et al

HB 1678-Day, et al

THIRD READING OF SENATE BILLS

SCS for SB 781-Smith
SS for SCS for SB 778-Justus
SB 958-Goodman
SCS for SB 806-Engler

SCS for SB 720-Coleman
SCS for SBs 754 & 794-Mayer and Loudon
SCS for SB 788-Scott
SS for SCS for SBs 818 & 795-Rupp

SENATE BILLS FOR PERFECTION

1. SB 1058-Mayer
2. SB 944-Engler, et al, with SCS
3. SB 939-Stouffer, with SCS
4. SB 1046-Mayer
5. SB 1116-Days
6. SB 1035-Scott, with SCS

7. SB 817-Goodman
8. SB 874-Graham, with SCS
9. SB 881-Green
10. SB 967-Mayer, with SCS
11. SB 713-Gibbons, with SCS
12. SB 1093-Loudon, et al

13. SB 811-Stouffer, with SCS
14. SB 957-Goodman
15. SB 990-Champion
16. SB 1103-Gibbons
17. SB 915-Ridgeway

18. SBs 982, 834 & 819-Purgason, with SCS
19. SB 767-Goodman and Gibbons, with SCS
20. SB 815-Goodman
21. SB 716-Loudon, et al
22. SB 1059-Engler, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS
SBs 714, 933, 899 & 758-Loudon and
Gibbons, with SCS
SB 717-Kennedy and Shields
SB 726-Shields, with SCS
SB 729-Griesheimer, with SCS
SB 732-Champion, et al, with SCS
SBs 747 & 736-Ridgeway and Gibbons, with
SCS & SS for SCS (pending)
SB 749-Ridgeway, with SCS
SB 756-Engler and Rupp, with SCS (pending)
SB 759-Stouffer, with SCS & SA 1 (pending)
SBs 761 & 774-Stouffer, with SCS
SB 764-Wilson, et al, with SA 2 (pending)
SB 768-Rupp and Gibbons, with SCS
SB 776-Justus and Koster, with SCS
SB 809-Stouffer, with SCS

SB 821-Shoemyer, with SCS (pending)
SB 822-Shoemyer
SBs 840 & 857-Engler, with SCS
SB 846-Rupp, with SCS
SB 865-Rupp and Gibbons, with SCS
SB 873-Graham, with SCS
SB 898-Clemens, with SCS
SB 907-Engler and Gibbons, with SCS
SBs 909, 954, 934 & 1003-Engler, with SCS
SB 929-Green and Callahan, with SCS
SBs 930 & 947-Stouffer, with SCS
SBs 993 & 770-Crowell, with SCS
SB 996-Crowell, with SCS
SB 997-Crowell
SB 1007-Loudon
SJR 34 & 30-Crowell and Coleman, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/28

SB 1121-Loudon
SB 885-Graham

SB 1009-Loudon, with SCS
SB 925-Days

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Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SECOND DAY—WEDNESDAY, MARCH 5, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“...but my steadfast love shall not depart from you, and my covenant of peace shall not be removed, says the Lord, who has compassion on you.” (Isaiah 54:10)

Gracious God, Your eternal covenant tells us Your ultimate desire to save us from our own destructive nature; and we see that in the behavior of far too many in our world. Teach us not to take Your love for granted, nor Your desire to bless us. Help us to be about that which You seek us to do and to walk humbly with You daily. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

Absent—Senators—None

Absent with leave—Senators

Bartle Gibbons Kennedy—3

Vacancies—None

The Lieutenant Governor was present.

Senator Rupp assumed the Chair.

RESOLUTIONS

Senator Rupp offered Senate Resolution No. 2032, regarding the Old Monroe Fire Protection District, which was adopted.

Senator McKenna offered Senate Resolution No. 2033, regarding Geoff McCartney, Arnold, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2034, regarding the One Hundred Fiftieth Anniversary of the St. Patrick Post Office, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SBs 1034** and **802**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Mayer moved that the vote by which **SCS** for **SBs 1034** and **802**, as amended, was declared perfected and ordered printed be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days	Dempsey
Engler	Goodman	Graham	Green	Griesheimer	Justus	Lager	Mayer
McKenna	Nodler	Purgason	Rupp	Scott	Shields	Smith	Stouffer
Vogel	Wilson—26						

NAYS—Senator Shoemyer—1

Absent—Senators

Barnitz	Koster	Loudon	Ridgeway—4
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Absent with leave—Senators

Bartle	Gibbons	Kennedy—3
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Vacancies—None

Having voted on the prevailing side, Senator Mayer moved that the vote by which **SCS** for **SBs 1034** and **802**, as amended, was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
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Engler	Goodman	Graham	Green	Griesheimer	Justus	Koster	Lager
Mayer	McKenna	Nodler	Purgason	Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—28				

NAYS—Senators—None

Absent—Senators

Coleman	Loudon	Ridgeway—3
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Absent with leave—Senators

Bartle	Gibbons	Kennedy—3
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Vacancies—None

Having voted on the prevailing side, Senator Mayer moved that the vote by which **SSA 1** for **SA 1** to **SCS** for **SBs 1034** and **802** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Goodman	Graham	Green	Griesheimer	Justus	Koster	Lager
Mayer	McKenna	Nodler	Purgason	Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—28				

NAYS—Senators—None

Absent—Senators

Coleman	Loudon	Ridgeway—3
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Absent with leave—Senators

Bartle	Gibbons	Kennedy—3
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Vacancies—None

SSA 1 for **SA 1** was again taken up.

At the request of Senator Mayer, the above substitute amendment was withdrawn.

Senator Mayer offered **SSA 2** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR
SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1034 and 802, Page 3, Section 407.303, Line 2, by striking “fifty” and inserting in lieu thereof the following: “**one hundred**”; and further amend line 2 of said section, by inserting after “check” the following: “**or any other payment method that may be traced**”.

Senator Mayer moved that the above substitute amendment be adopted, which motion prevailed.

Senator Mayer moved that **SCS** for **SBs 1034** and **802**, as amended, be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SBs 1034** and **802**, as amended, was declared re-perfected and ordered printed.

Senator Engler moved that **SB 756**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 756** was again taken up.

The Senate observed a moment of silence in remembrance of Michael N. Keathley.

Senator Engler moved that **SCS** for **SB 756** be adopted.

At the request of Senator Engler, **SB 756**, with **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1384**, entitled:

An Act to amend chapter 570, RSMo, by adding thereto one new section relating to identify theft incident reports.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SBs 1034** and **802**, begs leave to report that it has examined the same and finds that the bill has been truly re-perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Shields, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Griesheimer.

SENATE BILLS FOR PERFECTION

Senator Champion moved that **SB 732**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 732**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 732

An Act to repeal sections 195.010, 195.017, and 195.417, RSMo, and to enact in lieu thereof eleven new sections relating to monitoring of drugs, with penalty provisions and an effective date.

Was taken up.

Senator Champion moved that **SCS** for **SB 732** be adopted.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 732, Page 31, Section 195.017, Line 736, by inserting immediately after said line the following:

“195.070. 1. A physician, podiatrist, dentist, or a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, RSMo, in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, RSMo, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019, RSMo, and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104, RSMo, may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family.

3. A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and he may cause them to be administered by an assistant or orderly under his direction and supervision.

[3.] **4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug.**

[4.] **5. An individual practitioner may not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.**

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him, he shall securely affix to each package in which that drug is contained, a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except a pharmacist for the purpose of filling a prescription under sections 195.005 to 195.425, shall alter, deface, or remove any label so affixed.

5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on a prescription

issued by a physician, dentist, podiatrist [or], veterinarian, **or advanced practice registered nurse**, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name and address of the pharmacy or practitioner for whom he is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the physician, dentist, podiatrist [or], **advanced practice registered nurse, or veterinarian** by whom the prescription was written; **the name of the collaborating physician if the prescription is written by an advanced practice registered nurse**, and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.”; and

Further amend said bill, Page 40, Section 195.417, Line 130 by inserting after all of said line the following:

“334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice nurse as defined in subdivision (2) of section 335.016, RSMo. **Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, RSMo, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, RSMo.** Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. **The written collaborative practice arrangement shall contain at least the following provisions:**

(1) **Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;**

(2) **A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;**

(3) **A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;**

(4) **All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;**

(5) **The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:**

(a) **Engage in collaborative practice consistent with each professional's skill, training, education,**

and competence;

(b) **Maintain geographic proximity; and**

(c) **Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;**

(6) **A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;**

(7) **A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;**

(8) **The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse; and**

(9) **A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's prescribing practices. The description shall include provisions that the advanced practice registered nurse shall submit documentation of the advanced practice registered nurse's prescribing practices to the collaborating physician within fourteen days. The documentation shall include, but not be limited to, a random sample review by the collaborating physician of at least twenty percent of the charts and medications prescribed.**

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036, RSMo, may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements **including delegating authority to prescribe controlled substances**. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197, RSMo.

[4.] 5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct

reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

[5.] **6.** Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, **including collaborative practice agreements delegating the authority to prescribe controlled substances**, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

[6.] **7.** Notwithstanding anything to the contrary in this section, a registered nurse who has graduated from a school of nurse anesthesia accredited by the Council on Accreditation of Educational Programs of Nurse Anesthesia or its predecessor and has been certified or is eligible for certification as a nurse anesthetist by the Council on Certification of Nurse Anesthetists shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed.

8. A collaborating physician shall not enter into a collaborative practice arrangement with more than three full-time equivalent advanced practice registered nurses. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197, RSMo.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020, RSMo, if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right

to refuse to collaborate, without penalty, with a particular physician.

335.016. As used in this chapter, unless the context clearly requires otherwise, the following words and terms mean:

(1) “Accredited”, the official authorization or status granted by an agency for a program through a voluntary process;

(2) “Advanced practice **registered** nurse”, a nurse who has [had] education beyond the basic nursing education and is certified by a nationally recognized professional organization [as having a nursing specialty, or who meets criteria for advanced practice nurses established by the board of nursing. The board of nursing may promulgate rules specifying which professional nursing organization certifications are to be recognized as advanced practice nurses, and may set standards for education, training and experience required for those without such specialty certification to become advanced practice nurses] **as a certified nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or a certified clinical nurse specialist. The board shall promulgate rules specifying which nationally recognized professional organization certifications are to be recognized for the purposes of this section.** Advanced practice nurses and only such individuals may use the title “Advanced Practice Registered Nurse” and the abbreviation “APRN”;

(3) “Approval”, official recognition of nursing education programs which meet standards established by the board of nursing;

(4) “Board” or “state board”, the state board of nursing;

(5) “**Certified nurse practitioner**”, a registered nurse who is currently certified as a nurse practitioner by a nationally recognized certifying body approved by the board of nursing;

(6) “**Certified clinical nurse specialist**”, a registered nurse who is currently certified as a clinical nurse specialist by a nationally recognized certifying board approved by the board of nursing;

(7) “**Certified nurse midwife**”, a registered nurse who is currently certified as a nurse midwife by the American College of Nurse Midwives, or other nationally recognized certifying body approved by the board of nursing;

(8) “**Certified registered nurse anesthetist**”, a registered nurse who is currently certified as a nurse anesthetist by the Council on Certification of Nurse Anesthetists, the Council on Recertification of Nurse Anesthetists, or other nationally recognized certifying body approved by the board of nursing;

[(5)] (9) “Executive director”, a qualified individual employed by the board as executive secretary or otherwise to administer the provisions of this chapter under the board's direction. Such person employed as executive director shall not be a member of the board;

[(6)] (10) “Inactive nurse”, as defined by rule pursuant to section 335.061;

[(7)] (11) “Lapsed license status”, as defined by rule under section 335.061;

[(8)] (12) “Licensed practical nurse” or “practical nurse”, a person licensed pursuant to the provisions of this chapter to engage in the practice of practical nursing;

[(9)] (13) “Licensure”, the issuing of a license to practice professional or practical nursing to candidates who have met the specified requirements and the recording of the names of those persons as holders of a

license to practice professional or practical nursing;

[(10)] **(14)** “Practical nursing”, the performance for compensation of selected acts for the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in normal health processes. Such performance requires substantial specialized skill, judgment and knowledge. All such nursing care shall be given under the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse. For the purposes of this chapter, the term “direction” shall mean guidance or supervision provided by a person licensed by a state regulatory board to prescribe medications and treatments or a registered professional nurse, including, but not limited to, oral, written, or otherwise communicated orders or directives for patient care. When practical nursing care is delivered pursuant to the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse, such care may be delivered by a licensed practical nurse without direct physical oversight;

[(11)] **(15)** “Professional nursing”, the performance for compensation of any act which requires substantial specialized education, judgment and skill based on knowledge and application of principles derived from the biological, physical, social and nursing sciences, including, but not limited to:

(a) Responsibility for the teaching of health care and the prevention of illness to the patient and his or her family;

(b) Assessment, nursing diagnosis, nursing care, and counsel of persons who are ill, injured or experiencing alterations in normal health processes;

(c) The administration of medications and treatments as prescribed by a person licensed by a state regulatory board to prescribe medications and treatments;

(d) The coordination and assistance in the delivery of a plan of health care with all members of a health team;

(e) The teaching and supervision of other persons in the performance of any of the foregoing;

[(12)] **(16)** A “registered professional nurse” or “registered nurse”, a person licensed pursuant to the provisions of this chapter to engage in the practice of professional nursing;

[(13)] **(17)** “Retired license status”, any person licensed in this state under this chapter who retires from such practice. Such person shall file with the board an affidavit, on a form to be furnished by the board, which states the date on which the licensee retired from such practice, an intent to retire from the practice for at least two years, and such other facts as tend to verify the retirement as the board may deem necessary; but if the licensee thereafter reengages in the practice, the licensee shall renew his or her license with the board as provided by this chapter and by rule and regulation.

335.019. The board of nursing may grant a certificate of controlled substance prescriptive authority to an advanced practice registered nurse who:

(1) Submits proof of successful completion of an advanced pharmacology course that shall include preceptorial experience in the prescription of drugs, medicines and therapeutic devices; and

(2) Provides documentation of a minimum of three hundred clock hours preceptorial experience in the prescription of drugs, medicines, and therapeutic devices with a qualified preceptor; and

(3) Provides evidence of a minimum of one thousand hours of practice in an advanced practice

nursing category prior to application for a certificate of prescriptive authority. The one thousand hours shall not include clinical hours obtained in the advanced practice nursing education program. The one thousand hours of practice in an advanced practice nursing category may include transmitting a prescription order orally or telephonically or to an inpatient medical record from protocols developed in collaboration with and signed by a licensed physician; and

(4) Has a controlled substance prescribing authority delegated in the collaborative practice arrangement under section 334.104, RSMo, with a physician who has an unrestricted federal Drug Enforcement Administration registration number and who is actively engaged in a practice comparable in scope, specialty, or expertise to that of the advanced practice registered nurse.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Champion raised the point of order that **SA 1** is out of order as it goes beyond the scope of the original bill.

The point of order was referred to Senator Goodman, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, who ruled it well taken.

Senator Purgason offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 732, Page 32, Section 195.378, Line 16, by striking “or”; and further amend line 20, by inserting after the word “facility;” the following: “**or**

(e) A veterinarian licensed under chapter 340, RSMo, who dispenses such substances to animals from such veterinarian's own inventory;”.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

Senator Champion moved that **SCS** for **SB 732**, as amended, be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **SB 732**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 5, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Larry W. Schepker, 813 Eastern Air Drive, Jefferson City, Cole County, Missouri 65109, as Commissioner of the Office of Administration, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Michael Keathley, deceased.

Respectfully submitted,
MATT BLUNT

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 5, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Johnny Dwight McNiel to the Board of Private Investigator Examiners, submitted on March 4, 2008. Line 1 should be amended as follows:

“Johnny Dwight McNiel, 1002 North Fourth Street, Ozark, Christian”

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 5, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of William Duane Compton to the Missouri Fire Education Commission, submitted on March 4, 2008. Line 1 and 2 should be amended as follows:

“Education Commission, for a term ending April 26, 2012, and until his successor is duly appointed and qualified; vice, Phillip Sayer, deceased.”

Respectfully submitted,

MATT BLUNT

In the absence of President Pro Tem Gibbons and without objection, Senator Shields referred the above appointment and addendums to the Committee on Gubernatorial Appointments.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 1058** be taken up for perfection, which motion prevailed.

Senator Shields assumed the Chair.

Senator Dempsey assumed the Chair.

At the request of Senator Mayer, **SB 1058** was placed on the Informal Calendar.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 2035, regarding Alexa Ahern, Webster Groves, which was adopted.

Senator Coleman offered Senate Resolution No. 2036, regarding Lauren Streicher, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2037, regarding Becky Schroer, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 2038, regarding Ashley Parish-Nunley, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2039, regarding Jessica Elliston, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2040, regarding Kelly Malin, St. Louis, which was adopted.

Senator Goodman offered Senate Resolution No. 2041, regarding Richard Behle, Hollister, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2042, regarding Carol Perkins, Franklin County, which was adopted.

COMMUNICATIONS

Senator Green submitted the following:

March 5, 2008

Ms. Terry Spieler
Secretary of Senate
State Capitol Building
Room 325
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that Senate Bill 1121 be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45 and that it be returned to the Senate Small Business, Insurance & Industrial Relations Committee from which it was reported for action in accordance with the rules of the Senate.

This bill, which eliminates the requirement that product liability insurance companies report claims that do not result in payment on the insured's behalf, may contain data that is not otherwise available through alternate sources.

Sincerely,
/s/ Timothy P. Green
Timothy P. Green
State Senator
District 13

INTRODUCTIONS OF GUESTS

Senator Shoemyer introduced to the Senate, Nancy Gingrich, Amanda Carpenter, Drew Woods, Brett Threlkeld, Darcy Long, Keely McCarty and Chuck Carpenter, Shelby County.

Senator Stouffer introduced to the Senate, Tom, Becca and K.D. Burkhart, Salisbury; and Becca and K.D. were made honorary pages.

Senator Bray introduced to the Senate, Josh Jeffries, Memphis, Tennessee.

Senator Justus introduced to the Senate, Joshua Smith, St. Louis.

Senator Graham introduced to the Senate, Meredith Turk, Cleveland Ohio.

Senator Scott introduced to the Senate, Kenny and Vicky Thompson, Rogersville; and Reverend Poff, Hallsville.

Senator Smith introduced to the Senate, Serena Muhammad, St. Louis.

Senator Barnitz introduced to the Senate, twenty-two fourth grade students from St. Joseph School,

Westphalia.

Senator Scott introduced to the Senate, students from Windsor Elementary School; and Colton Gerke, Trenton Johnson, Jordan Kuehner and Breanna Bowers were made honorary pages.

Senator Ridgeway introduced to the Senate, Lila Weatherford and Sarah Rutt, Liberty; and Nancy Kincaid, Kansas City.

Senator Griesheimer introduced to the Senate, Maxine Johnson and Norman Lause, Washington.

Senator Griesheimer introduced to the Senate, his son, Aaron and Chuck Marquart, Washington.

Senator Koster introduced to the Senate, seventy fourth grade students from McEwoen Elementary School, Harrisonville.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-THIRD DAY—THURSDAY, MARCH 6, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 1595 & 1668
HB 1371-Wilson (119), et al

HB 1678-Day, et al
HB 1384-Cox, et al

THIRD READING OF SENATE BILLS

SCS for SB 781-Smith
SS for SCS for SB 778-Justus
SB 958-Goodman
SCS for SB 806-Engler
SCS for SB 720-Coleman

SCS for SBs 754 & 794-Mayer and Loudon
SCS for SB 788-Scott
SS for SCS for SBs 818 & 795-Rupp
SCS for SBs 1034 & 802-Mayer

SENATE BILLS FOR PERFECTION

1. SB 944-Engler, et al, with SCS
2. SB 939-Stouffer, with SCS
3. SB 1046-Mayer
4. SB 1116-Days
5. SB 1035-Scott, with SCS

6. SB 817-Goodman
7. SB 874-Graham, with SCS
8. SB 881-Green
9. SB 967-Mayer, with SCS
10. SB 713-Gibbons, with SCS

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|-------------------------------|---|
| 11. SB 1093-Loudon, et al | 17. SBs 982, 834 & 819-Purgason, with SCS |
| 12. SB 811-Stouffer, with SCS | 18. SB 767-Goodman and Gibbons, with SCS |
| 13. SB 957-Goodman | 19. SB 815-Goodman |
| 14. SB 990-Champion | 20. SB 716-Loudon, et al |
| 15. SB 1103-Gibbons | 21. SB 1059-Engler, with SCS |
| 16. SB 915-Ridgeway | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SBs 712 & 882-Gibbons and Rupp, with SCS | SB 822-Shoemyer |
| SBs 714, 933, 899 & 758-Loudon and
Gibbons, with SCS | SBs 840 & 857-Engler, with SCS |
| SB 717-Kennedy and Shields | SB 846-Rupp, with SCS |
| SB 726-Shields, with SCS | SB 865-Rupp and Gibbons, with SCS |
| SB 729-Griesheimer, with SCS | SB 873-Graham, with SCS |
| SBs 747 & 736-Ridgeway and Gibbons, with
SCS & SS for SCS (pending) | SB 898-Clemens, with SCS |
| SB 749-Ridgeway, with SCS | SB 907-Engler and Gibbons, with SCS |
| SB 756-Engler and Rupp, with SCS (pending) | SBs 909, 954, 934 & 1003-Engler, with SCS |
| SB 759-Stouffer, with SCS & SA 1 (pending) | SB 929-Green and Callahan, with SCS |
| SBs 761 & 774-Stouffer, with SCS | SBs 930 & 947-Stouffer, with SCS |
| SB 764-Wilson, et al, with SA 2 (pending) | SBs 993 & 770-Crowell, with SCS |
| SB 768-Rupp and Gibbons, with SCS | SB 996-Crowell, with SCS |
| SB 776-Justus and Koster, with SCS | SB 997-Crowell |
| SB 809-Stouffer, with SCS | SB 1007-Loudon |
| SB 821-Shoemyer, with SCS (pending) | SB 1058-Mayer |
| | SJR 34 & 30-Crowell and Coleman, with SCS |

CONSENT CALENDAR

Senate Bills

Reported 2/28

- | | |
|--------------------------|-------------|
| SB 885-Graham | SB 925-Days |
| SB 1009-Loudon, with SCS | |

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Journal of the Senate

SECOND REGULAR SESSION

THIRTY-THIRD DAY—THURSDAY, MARCH 6, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I find hope in the Word of God. I find hope in people who are around me who are hopeful. I find hope in the music that I listen to...I find hope in my family.” (Thelma Wells)

Lord God, in the work we do and the lives we live we must be a people of hope and as such find that hope in You and Your creation. So as we finish our work here this week and return to loved ones, we pray bless us and watch over our travel and bring us safely home. And Lord we give You thanks for the successful surgery of Senator Gibbons and pray for his continued healing. And we pray for the family of Mike Keathley at his passing that You might comfort and grant them Your peace. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

Absent—Senators—None

Absent with leave—Senators

Bartle	Gibbons	Kennedy	Mayer—4
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Vacancies—None

The Lieutenant Governor was present.

Senator Rupp assumed the Chair.

RESOLUTIONS

Senator Graham offered Senate Resolution No. 2043, regarding Larry Foster, which was adopted.

Senators Days, Bray, Coleman, Engler, Gibbons, Green, Griesheimer, Kennedy, Loudon and Smith offered Senate Resolution No. 2044, regarding Dr. Thomas F. George, University of Missouri-Saint Louis, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 2045

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber and Hearing rooms for the purposes of its Youth in Government program on November 13, 2008 through November 15, 2008 and December 4, 2008 through December 6, 2008.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 2045** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 2045** was adopted.

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2046

Whereas, the members of the Missouri Senate feel it is altogether fitting and proper to pause from time to time to recognize individuals and organizations that have contributed to the welfare of this great state and its citizens and brought honor to the state; and

Whereas, the members now pause to recognize the Missouri State University Pride Band, from Springfield, Missouri, attained considerable distinction by leading the 119th Tournament of Roses Parade in Pasadena, California, on January 1, 2008; and

Whereas, the Missouri State University Pride Band was invited by Parade President C.L. Keedy, who heard them perform in the Tournament of Roses Parade in 1995; and

Whereas, the nearly three-hundred-member Pride Band marched the five-and-one-half-mile route with an estimated one million spectators and was watched by a television audience of more than a billion viewers in 126 countries; and

Whereas, the Missouri State University Pride Band has been featured in the Macy's Thanksgiving Day Parade in New York and the Orange Bowl Parade in Miami and has appeared in the Super Dome for the New Orleans Saints, the TransWorld Dome for the St. Louis Rams, Arrowhead Stadium for the Kansas City Chiefs, and the Mile-High Stadium for the Denver Broncos; and

Whereas, in addition, the Missouri State University Pride Band traveled to London, England, where they were the honor band in the London New Year's Day parade and performed at St. Paul's Cathedral and Westminster Central Hall; and

Whereas, the Missouri State University Pride Band is led by Director of Bands Jerry Hoover, Associate Director of Bands Dr. Belva

Prather, Band Events Coordinator Amy Perkins, Color Guard Instructor John Sullivan, Band Coordinator Maxine Sullivan, Voice of the Pride Win Prather, and Director of University-Community Band Ron Brammer:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fourth General Assembly, extend our heartfelt congratulations to the Missouri State University Pride Band and convey our very best wishes to all of those involved for every success in the future; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Missouri State University Pride Band in Springfield, Missouri.

Senator Crowell offered Senate Resolution No. 2047, regarding Jana Kay Scott, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 2048, regarding Denise Glastetter, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2049, regarding Cynthia Roach, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 2050, regarding Bob Clubbs, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 2051, regarding Orville Perr, Jr., Jackson, which was adopted.

Senator Graham offered Senate Resolution No. 2052, regarding KOPN 89.5 FM , Columbia, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 732**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

In the absence of President Pro Tem Gibbons and without objection, Senator Shields referred **SCS** for **SB 732** to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, Senator Shields submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Jerome Taylor, Republican, as a member of the Missouri Alternative Fuels Commission;

Also,

Drue W. Duncan, as a member of the Missouri State Advisory Council on Pain and Symptom Management;

Also,

Mark J. Collom, Democrat, as a member of the Linn State Technical College Board of Regents;

Also,

Carl M. Greenwell, Democrat, and Karen S. Haber, Independent, as members of the Truman State University Board of Governors;

Also,

Susan C. Phillips, as a member of the Child Abuse and Neglect Review Board;

Also,

Larry W. Schepker, as Commissioner of the Office of Administration;

Also,

James B. Chappell, Republican, as a member of the Clay County Board of Election Commissioners.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

THIRD READING OF SENATE BILLS

SCS for **SB 781**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 781

An Act to repeal section 535.040, RSMo, and to enact in lieu thereof one new section relating to landlord-tenant actions.

Was taken up by Senator Smith.

On motion of Senator Smith, **SCS** for **SB 781** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Coleman	Crowell	Dempsey	Engler
Goodman	Graham	Green	Griesheimer	Justus	Koster	Lager	Loudon
McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—28				

NAYS—Senators

Bray Days—2

Absent—Senators—None

Absent with leave—Senators

Bartle Gibbons Kennedy Mayer—4

Vacancies—None

The President declared the bill passed.

On motion of Senator Smith, title to the bill was agreed to.

Senator Smith moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 778, introduced by Senator Justus, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 778

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to immunizations against the human papillomavirus.

Was taken up.

On motion of Senator Justus, **SS for SCS for SB 778** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Days	Dempsey
Engler	Goodman	Graham	Green	Griesheimer	Justus	Koster	McKenna
Rupp	Shields	Shoemyer	Smith	Vogel	Wilson—22		

NAYS—Senators

Crowell	Lager	Loudon	Nodler	Purgason	Ridgeway	Scott	Stouffer—8
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Absent—Senators—None

Absent with leave—Senators

Bartle	Gibbons	Kennedy	Mayer—4
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Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 958, introduced by Senator Goodman, entitled:

An Act to repeal section 537.340, RSMo, and to enact in lieu thereof one new section relating to tree trimming.

Was taken up.

On motion of Senator Goodman, **SB 958** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle	Gibbons	Kennedy	Mayer—4
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Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SB 806**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 806

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to display of flags on government buildings.

Was taken up by Senator Engler.

On motion of Senator Engler, **SCS** for **SB 806** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle	Gibbons	Kennedy	Mayer—4
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Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 720, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 720

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to hot weather maintenance of utility service.

Was taken up by Senator Coleman.

On motion of Senator Coleman, **SCS for SB 720** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle	Gibbons	Kennedy	Mayer—4
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Vacancies—None

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SBs 754 and 794 was placed on the Informal Calendar.

SCS for SB 788, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 788

An Act to repeal sections 43.543, 105.711, 135.520, 148.330, 209.285, 214.270, 256.453, 285.230, 320.082, 324.050, 324.128, 324.159, 324.200, 324.203, 324.240, 324.243, 324.400, 324.406, 324.475, 324.526, 325.010, 326.265, 327.051, 328.050, 329.025, 329.028, 329.210, 330.190, 331.100, 332.041, 332.327, 333.221, 334.123, 334.240, 334.400, 334.702, 334.735, 334.746, 334.800, 335.036, 336.160,

337.010, 337.090, 337.500, 337.600, 337.700, 338.130, 339.120, 339.507, 340.212, 345.035, 346.010, 354.305, 361.010, 361.092, 361.140, 361.160, 362.109, 362.332, 362.910, 367.500, 370.366, 374.045, 374.070, 374.075, 374.085, 374.115, 374.180, 374.202, 374.217, 374.220, 374.250, 374.456, 375.001, 375.261, 375.923, 381.410, 383.030, 407.020, 407.1085, 408.233, 408.570, 436.005, 443.803, 620.010, 620.105, 620.106, 620.111, 620.120, 620.125, 620.127, 620.130, 620.132, 620.135, 620.140, 620.145, 620.146, 620.148, 620.149, 620.150, 620.151, 620.153, 620.154, and 620.1063, RSMo, and to enact in lieu thereof one hundred thirteen new sections relating to reorganization of the department of insurance, financial institutions and professional registration, in keeping with Executive Order 06-04, with penalty provisions.

Was taken up by Senator Scott.

On motion of Senator Scott, **SCS** for **SB 788** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle	Gibbons	Kennedy	Mayer—4
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Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Scott assumed the Chair.

SS for **SCS** for **SBs 818** and **795**, introduced by Senator Rupp, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 818 and 795

An Act to repeal sections 160.261, 565.090, and 565.225, RSMo, and to enact in lieu thereof three new sections relating to crimes of harassment, with penalty provisions.

Was taken up.

On motion of Senator Rupp, **SS** for **SCS** for **SBs 818** and **795** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle	Gibbons	Kennedy	Mayer—4
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Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 885, introduced by Senator Graham, entitled:

An Act to repeal section 210.861, RSMo, and to enact in lieu thereof one new section relating to the community children's services fund.

Was called from the Consent Calendar and taken up.

On motion of Senator Graham, **SB 885** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle	Gibbons	Kennedy	Mayer—4
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Vacancies—None

The President declared the bill passed.

On motion of Senator Graham, title to the bill was agreed to.

Senator Graham moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1009, with **SCS**, introduced by Senator Loudon, entitled:

An Act to repeal section 381.412, RSMo, and to enact in lieu thereof one new section relating to the acceptance of funds by settlement agents.

Was called from the Consent Calendar and taken up.

SCS for **SB 1009**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1009

An Act to repeal section 381.412, RSMo, and to enact in lieu thereof one new section relating to the acceptance of funds by settlement agents, with an emergency clause.

Was taken up.

Senator Loudon moved that **SCS** for **SB 1009** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **SB 1009** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle	Gibbons	Kennedy	Mayer—4
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Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days	Dempsey
Engler	Goodman	Graham	Green	Griesheimer	Justus	Koster	Lager
Loudon	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson—29			

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators

Bartle Gibbons Kennedy Mayer—4

Vacancies—None

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 925, introduced by Senator Days, entitled:

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to school district records.

Was called from the Consent Calendar and taken up.

On motion of Senator Days, **SB 925** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Gibbons Kennedy Mayer—4

Vacancies—None

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, Senator Shields submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 790**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1016**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 863**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1073**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 805**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1044**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1089**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1033**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 980**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 1151**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 956**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, Senator Shields submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1108**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 797**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Ridgeway moved that **SB 747** and **SB 736**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Ridgeway, **SS** for **SCS** for **SBs 747** and **736** was withdrawn.

Senator Ridgeway offered **SS No. 2** for **SCS** for **SBs 747** and **736**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 747 and 736

An Act to repeal sections 160.545, 311.310, 311.325, 577.021, 577.500, and 578.255, RSMo, and to enact in lieu thereof six new sections relating to abuse of alcohol, with penalty provisions.

Senator Ridgeway moved that **SS No. 2** for **SCS** for **SBs 747** and **736** be adopted.

Senator Ridgeway offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 747 and 736, Page 11, Section 577.021, Line 18 of said page, by inserting after all of said line the following:

“577.023. 1. For purposes of this section, unless the context clearly indicates otherwise:

(1) An “aggravated offender” is a person who:

(a) Has pleaded guilty to or has been found guilty of three or more intoxication-related traffic offenses;

or

(b) Has pleaded guilty to or has been found guilty of one or more intoxication-related traffic offense and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; or assault in the second degree under subdivision

(4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

(2) A “chronic offender” is:

(a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related traffic offenses; or

(b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; or

(c) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

(3) An “intoxication-related traffic offense” is driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo, or driving under the influence of alcohol or drugs in violation of state law or a county or municipal ordinance, where the defendant was represented by or waived the right to an attorney in writing;

(4) A “persistent offender” is one of the following:

(a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses;

(b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo; and

(5) A “prior offender” is a person who has pleaded guilty to or has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D felony.

4. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section

577.012 who is alleged and proved to be an aggravated offender shall be guilty of a class C felony.

5. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class B felony.

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until he or she has served a minimum of five days imprisonment, unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. No persistent offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment, unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court. No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment. No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment.

7. The state, county, or municipal court shall find the defendant to be a prior offender, persistent offender, aggravated offender, or chronic offender if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender or persistent offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender.

8. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

10. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

11. The defendant may waive proof of the facts alleged.

12. Nothing in this section shall prevent the use of presentence investigations or commitments.

13. At the sentencing hearing both the state, county, or municipality and the defendant shall be permitted to present additional information bearing on the issue of sentence.

14. The pleas or findings of guilty shall be prior to the date of commission of the present offense.

15. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

16. Evidence of prior convictions shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon. A conviction of a violation of a municipal or county ordinance in a county or municipal court for driving while intoxicated or a conviction or a plea of guilty or a finding of guilty followed by a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in a state **or municipal** court shall be treated as a prior conviction.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Green offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 747 and 736, Page 5, Section 160.545, Line 25, by inserting after all of said line the following:

“227.295. 1. The department of transportation shall establish and administer a drunk driving victim memorial sign program. The provisions of this section shall be known as “David's Law”. The signs shall be placed upon the state highways in accordance with this section, placement guidelines adopted by the department, and any applicable federal limitations or conditions on highway signage, including location and spacing.

2. The department shall adopt, by rules and regulations, program guidelines for the application for and placement of signs authorized by this section, including, but not limited to, the sign application and qualification process, the procedure for the dedication of signs, and procedures for the replacement or restoration of any signs that are damaged or stolen. The department shall also establish by rule, application procedures and methods for proving eligibility for the program.

3. Any person may apply to the department of transportation to sponsor a drunk driving victim memorial sign in memory of an immediate family member who died as a result of a motor vehicle accident caused by a person who was shown to have been operating a motor vehicle in violation of section 577.010 or 577.012, RSMo, or was committing an intoxication-related traffic offense at the time of the accident. Upon the request of an immediate family member of the deceased victim involved in a drunk driving accident, the department shall place a sign in accordance with this section. A person who is not a member of the immediate family may also submit a request to have a sign placed under this section if that person also submits the written consent of an immediate family member. The department shall charge the sponsoring party a fee to cover the department's cost in designing, constructing, placing, and maintaining that sign, and the department's costs in administering this section. Signs erected under this section shall remain in place for a period of ten years. After the expiration of the ten-year period, the department shall remove the sign unless the sponsoring party remits to the department of transportation a ten-year renewable fee to cover maintenance costs associated with the sign.

4. The signs shall feature the words “Drunk Driving Victim!”, the initials of the victim, the month and year in which the victim of the drunk driving accident was killed, and the phrase “Who's Next?”. The overall design of the sign, including size, color, and lettering, shall conform to the guidelines and

regulations established by the department. The signs shall be placed near the scene of the accident.

5. All roadside memorials or markers commemorating the death of a drunk driving victim not meeting the provisions of this section are prohibited. No person, other than a department of transportation employee or the department's designee, may erect a drunk driving victim memorial sign.

6. As used in this section, the term "immediate family member" shall mean spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather.

7. The department shall adopt rules and regulations to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void."'; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Ridgeway raised the point of order that **SA 2** is out of order as it goes beyond the title and scope of the underlying bill.

The point of order was referred to Senator Goodman, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, who ruled it well taken.

Senator Ridgeway moved that **SS No. 2** for **SCS** for **SBs 747** and **736**, as amended, be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SS No. 2** for **SCS** for **SBs 747** and **736**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1779**, entitled:

An Act to repeal sections 386.020, 392.200, 392.220, 392.230, 392.245, 392.361, 392.370, 392.420, 392.450, 392.451, 392.480, 392.490, 392.510, 392.515, and 392.520, RSMo, and to enact in lieu thereof fourteen new sections relating to telecommunications services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1619**, entitled:

An Act to repeal sections 195.010, 195.017, and 195.417, RSMo, and to enact in lieu thereof eleven new sections relating to monitoring of drugs, with penalty provisions and an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 2053, regarding James Roché, Jackson, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Crowell introduced to the Senate, Sharon Gentry and students from Cape Christian Elementary School, Cape Girardeau.

Senator Loudon introduced to the Senate, Vineeth Bhuvanagiri, LaSalle Middle School; Linsey Button, Chris and Ryan Novatny, Ian Pittwood, Selvidge Middle School; and Brian Roth, PEGS/Sperreng Middle School.

Senator Justus introduced to the Senate, the Physician of the Day, Dr. Glenn Talboy, M.D., Kansas City.

Senator Shoemyer introduced to the Senate, fourth grade students from Novinger Elementary School.

Senator Lager introduced to the Senate, members of the North Andrew student council, Rosendale.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, March 10, 2008.

SENATE CALENDAR

THIRTY-FOURTH DAY—MONDAY, MARCH 10, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 1595 & 1668
HB 1371-Wilson (119), et al
HB 1678-Day, et al

HB 1384-Cox, et al
HCS for HB 1779
HCS for HB 1619

THIRD READING OF SENATE BILLS

SCS for SBs 1034 & 802-Mayer

SCS for SB 732-Champion, et al
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|-----------------------------------|---|
| 1. SB 944-Engler, et al, with SCS | 12. SB 811-Stouffer, with SCS |
| 2. SB 939-Stouffer, with SCS | 13. SB 957-Goodman |
| 3. SB 1046-Mayer | 14. SB 990-Champion |
| 4. SB 1116-Days | 15. SB 1103-Gibbons |
| 5. SB 1035-Scott, with SCS | 16. SB 915-Ridgeway |
| 6. SB 817-Goodman | 17. SBs 982, 834 & 819-Purgason, with SCS |
| 7. SB 874-Graham, with SCS | 18. SB 767-Goodman and Gibbons, with SCS |
| 8. SB 881-Green | 19. SB 815-Goodman |
| 9. SB 967-Mayer, with SCS | 20. SB 716-Loudon, et al |
| 10. SB 713-Gibbons, with SCS | 21. SB 1059-Engler, with SCS |
| 11. SB 1093-Loudon, et al | |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SBs 754 & 794-Mayer and Loudon

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SBs 712 & 882-Gibbons and Rupp, with SCS | SBs 840 & 857-Engler, with SCS |
| SBs 714, 933, 899 & 758-Loudon and
Gibbons, with SCS | SB 846-Rupp, with SCS |
| SB 717-Kennedy and Shields | SB 865-Rupp and Gibbons, with SCS |
| SB 726-Shields, with SCS | SB 873-Graham, with SCS |
| SB 729-Griesheimer, with SCS | SB 898-Clemens, with SCS |
| SB 749-Ridgeway, with SCS | SB 907-Engler and Gibbons, with SCS |
| SB 756-Engler and Rupp, with SCS (pending) | SBs 909, 954, 934 & 1003-Engler, with SCS |
| SB 759-Stouffer, with SCS & SA 1 (pending) | SB 929-Green and Callahan, with SCS |
| SBs 761 & 774-Stouffer, with SCS | SBs 930 & 947-Stouffer, with SCS |
| SB 764-Wilson, et al, with SA 2 (pending) | SBs 993 & 770-Crowell, with SCS |
| SB 768-Rupp and Gibbons, with SCS | SB 996-Crowell, with SCS |
| SB 776-Justus and Koster, with SCS | SB 997-Crowell |
| SB 809-Stouffer, with SCS | SB 1007-Loudon |
| SB 821-Shoemyer, with SCS (pending) | SB 1058-Mayer |
| SB 822-Shoemyer | SJR 34 & 30-Crowell and Coleman, with SCS |

CONSENT CALENDAR

Senate Bills

Reported 3/6

SB 790-Champion

SB 1016-Mayer

SB 863-Rupp

SB 1073-Dempsey

SB 805-Mayer

SB 1044-Stouffer, with SCS

SB 1089-Justus, with SCS

SB 1033-Griesheimer, with SCS

SB 980-Ridgeway

SB 1151-Barnitz

SB 956-Kennedy

SB 1108-Scott

SB 797-Bray

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Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FOURTH DAY—MONDAY, MARCH 10, 2008

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“All eyes are opened, or opening, to the rights of man.” (Thomas Jefferson, June 24, 1826)

Gracious God, we recognize our responsibilities before You and ask for Your guidance in making us more faithful in following Your will for us. Be with us this week as we discern the needs of those around us and respond to those needs with wisdom and compassion, diligence and concern. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 6, 2008 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Days
Dempsey	Engler	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

Absent—Senators—None

Absent with leave—Senators

Crowell Gibbons Kennedy—3

Vacancies—None

RESOLUTIONS

On behalf of Senator Crowell, Senator Shields offered Senate Resolution No. 2054, regarding Glenn Reeves, Cape Girardeau, which was adopted.

Senator Purgason offered Senate Resolution No. 2055, regarding Roger Moore, Laclede County, which was adopted.

Senator Wilson offered Senate Resolution No. 2056, regarding Robert Wheeler, Kansas City, which was adopted.

On behalf of Senator Kennedy, Senator Coleman offered Senate Resolution No. 2057, regarding Daniel Rayhawk, Saint Louis, which was adopted.

On behalf of Senator Kennedy, Senator Coleman offered Senate Resolution No. 2058, regarding Beverly Giamanco, St. Louis, which was adopted.

On behalf of Senator Kennedy, Senator Coleman offered Senate Resolution No. 2059, regarding Cheryl Calcaterra, Fenton, which was adopted.

On behalf of Senator Kennedy, Senator Coleman offered Senate Resolution No. 2060, regarding Curt Moore, St. Louis, which was adopted.

On behalf of Senator Kennedy, Senator Coleman offered Senate Resolution No. 2061, regarding Ken Horvath, Imperial, which was adopted.

Senator Champion offered Senate Resolution No. 2062, regarding Broadway Baptist Church, Springfield, which was adopted.

Senator Loudon offered Senate Resolution No. 2063, regarding Carol Boriss, Chesterfield, which was adopted.

Senator Lager offered Senate Resolution No. 2064, regarding Klayton Book, Oregon, which was adopted.

Senator Lager offered Senate Resolution No. 2065, regarding the Eightieth Birthday of Eulala Schwebach, Stanberry, which was adopted.

On behalf of Senator Kennedy, Senator Coleman offered Senate Resolution No. 2066, regarding Mickey Christ, Saint Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 2067, regarding the death of Derl Bernard, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 2068, regarding the death of Dr. Thomas Cook, Richmond, which was adopted.

Senator Vogel offered Senate Resolution No. 2069, regarding Richard Roy Pemberton, Henley, which was adopted.

Senator Mayer offered Senate Resolution No. 2070, regarding the Eightieth Birthday of Edgar Leon Brown, Bernie, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted

the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS #2** for **SCS** for **SBs 747** and **736**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SB 732**, begs leave to report that it has considered the same and recommends that the bill do pass.

SENATE BILLS FOR PERFECTION

Senator Engler moved that **SB 944**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 944**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 944

An Act to repeal section 108.250, RSMo, and to enact in lieu thereof one new section relating to state auditor compensation for bond registration, with an emergency clause.

Was taken up.

Senator Engler moved that **SCS** for **SB 944** be adopted.

Senator Engler offered **SS** for **SCS** for **SB 944**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 944

An Act to repeal section 108.250, RSMo, and to enact in lieu thereof one new section relating to state auditor compensation for bond registration, with an emergency clause.

Senator Engler moved that **SS** for **SCS** for **SB 944** be adopted.

Senator Griesheimer assumed the Chair.

Senator Purgason offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 944, Page 1, Section 108.250, Line 9, by striking the words "five hundred".

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

Senator Engler moved that **SS** for **SCS** for **SB 944**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SS** for **SCS** for **SB 944**, as amended, was declared perfected and ordered printed.

Senator Stouffer moved that **SB 759**, with **SCS** and **SA 1** (pending), be called from the Informal

Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Scott assumed the Chair.

Senator Bartle moved that **SA 1** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Coleman, Green and Purgason.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Coleman	Days	Green	Justus	McKenna
Purgason	Ridgeway	Scott	Smith	Wilson—13			

NAYS—Senators

Barnitz	Champion	Clemens	Dempsey	Engler	Goodman	Graham	Griesheimer
Koster	Lager	Loudon	Mayer	Nodler	Rupp	Shields	Shoemyer
Stouffer	Vogel—18						

Absent—Senators—None

Absent with leave—Senators

Crowell	Gibbons	Kennedy—3
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Vacancies—None

Senator Shields offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 759, Page 3, Section 414.255, Line 74, by striking the following: “on and after” and inserting in lieu thereof the following: “**within one hundred twenty days of the date of the determination issuance under subsection 16 of this section, but in no case earlier than**”; and

Further amend said bill and section, Page 5, Line 147, by striking the following: “On and after” and inserting in lieu thereof the following: “**Within ninety days of the date of the determination issuance under subsection 16 of this section, but in no case earlier than**”; and

Further amend said bill and section, Page 6, Line 196, by inserting after all of said line the following:

“16. The department of agriculture shall issue a determination upon the finding that the price of biodiesel or biodiesel-blended fuel is, on average, less than or equal to the price of conventional diesel fuel for a period of one year. On the same day of the issuance of the determination, the department shall notify the revisor of statutes and shall post notification of the issuance on the department's publicly accessible website. The department may contract with the Food and Agricultural Policy Research Institute at the University of Missouri to provide assistance to the department in meeting the requirements of this subsection.”.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 759, Page 6, Section 414.255, Line 196, by inserting immediately after said line the following:

“414.265. The director of the department of agriculture may annually contract with the food and agricultural policy research institute associated with the University of Missouri to study the effect of biodiesel and fuel ethanol production on the prices of fuel and food, which shall include but not be limited to beef, milk, and corn. Each year by January fifteenth, the results and findings of such study shall be provided in a report submitted to the general assembly by the director of the department of agriculture.”; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted.

Senator Dempsey offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for Senate Bill No. 759, Page 1, Section 414.265, Line 8, by inserting immediately after the word “milk,” the following: **“wheat,”**.

Senator Dempsey moved that the above amendment be adopted, which motion prevailed.

SA 3, as amended, was again taken up.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Mayer offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 759, Page 6, Section 414.255, Line 196, by inserting after all of said line the following:

“16. Nothing in this section shall be construed to restrict the use of animal fats in any biodiesel-blended fuel for the purposes of compliance with this section.”.

Senator Mayer moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 759, Page 6, Section 414.255, Line 196, by inserting after all of said line the following:

“16. The provisions of subsections 4 and 11 of this section shall not become effective until such time as the department of agriculture determines that the amount of energy input into the production of the biodiesel or biodiesel-blended fuel required by these subsections does not exceed the energy output of such fuel. Energy inputs may include, but not be limited to, fertilizers, pesticides, and fuels used in the operation of machinery to cultivate, produce, and deliver such fuel. The department may

contract with the Food and Agricultural Policy Research Institute at the University of Missouri to assist in making this determination. On the same day of the issuance of the determination, the department shall notify the revisor of statutes and shall post notification of issuance on the department's publicly accessible website.”.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Callahan offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 759, Page 6, Section 414.255, Line 196, by inserting after all of said line the following:

“16. The provisions of this section shall sunset on December 31, 2013.”.

Senator Callahan moved that the above amendment be adopted.

Senator Bray offered **SA 1** to **SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Committee Substitute for Senate Bill No. 759, Page 1, Section 414.255, Line 4, by striking the words “December 31, 2013” and inserting in lieu thereof the following: **“December 31, 2011”.**

Senator Bray moved that the above amendment be adopted, which motion prevailed.

SA 6, as amended, was again taken up.

Senator Callahan moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Bray, Days and Purgason.

SA 6, as amended, failed of adoption by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Coleman	Days	Justus	Lager	McKenna
Purgason	Ridgeway	Rupp	Smith	Wilson—13			

NAYS—Senators

Barnitz	Champion	Clemens	Dempsey	Engler	Goodman	Graham	Griesheimer
Loudon	Mayer	Nodler	Scott	Shields	Shoemyer	Stouffer	Vogel—16

Absent—Senators

Green	Koster—2
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Absent with leave—Senators

Crowell	Gibbons	Kennedy—3
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Vacancies—None

Senator Callahan offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 759, Page 3, Section 414.255, Line 74, by striking the word “April” and inserting in lieu thereof the following: “**June**”; and

Further amend said bill and section, page 5, line 147, by striking the word “January” and inserting in lieu thereof the following: “**May**”; and

Further amend said bill and section, page 6, line 171, by striking the word “January” and inserting in lieu thereof the following: “**May**”.

Senator Callahan moved that the above amendment be adopted.

Senator Stouffer offered **SA 1** to **SA 7**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Committee Substitute for Senate Bill No. 759, Page 1, Section 414.255, Lines 6-9, by striking all of said lines and inserting in lieu thereof the following: “following: ‘**May**’”.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

SA 7, as amended, was again taken up.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bill No. 759, Page 5, Section 414.255, Line 153, by inserting at the end of said line the following: “**Any seller of biodiesel-blended fuel, when such fuel was not obtained in its blended form through a qualified terminal, shall notify any purchaser of such fuel that the fuel may contain an actual content of biodiesel greater or less than the stated percentage of biodiesel.**”.

Senator Callahan moved that the above amendment be adopted, which motion failed.

Senator Ridgeway offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for Senate Bill No. 759, Page 1, Section A, Line 2, by inserting after all of said line the following:

“144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in

section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a useable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010, RSMo. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment

is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, in the transportation of persons or property;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold

or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary

manufacture or processing of fuel ethanol as defined in section 142.028, RSMo, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, RSMo, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term “feed additives” means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term “pesticides” includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term “farm machinery and equipment” means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) “Domestic use” means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification “residential” and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each

person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (4) of this subsection;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, RSMo, and

licensed pursuant to sections 273.325 to 273.357, RSMo;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo;

(38) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

(39) All purchases by a sports complex authority created under section 64.920, RSMo;

(40) All purchases of equipment by a terminal or supplier necessary to comply with the requirements of subsection 11 of section 414.255, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

Senator Stouffer raised the point of order that **SA 9** is out of order as the amendment goes beyond the scope of the bill.

The point of order was referred to Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, who ruled it well taken.

Senator Clemens offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for Senate Bill No. 759, Page 6, Section 414.255, Line 196, by inserting after all of said line the following:

“Section 1. All retail fuel pumps dispensing any amount of petroleum shall contain a country of origin label indicating from which country the majority of the petroleum dispensed from the pump was derived.”; and

Further amend the title and enacting clause accordingly.

Senator Clemens moved that the above amendment be adopted.

At the request of Senator Clemens, **SA 10** was withdrawn.

Senator Stouffer moved that **SCS** for **SB 759**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 759**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 944**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1570**, entitled:

An Act to repeal section 488.2300, RSMo, and to enact in lieu thereof one new section relating to allowing the family services and justice fund to be used to fund guardian ad litem and informal adjustment services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator McKenna introduced to the Senate, Ryan Cooper, Hillsboro.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-FIFTH DAY—TUESDAY, MARCH 11, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 1595 & 1668
HB 1371-Wilson (119), et al
HB 1678-Day, et al
HB 1384-Cox, et al

HCS for HB 1779
HCS for HB 1619
HB 1570-Franz

THIRD READING OF SENATE BILLS

SCS for SBs 1034 & 802-Mayer
SCS for SB 732-Champion, et al

SS#2 for SCS for SBs 747 & 736-Ridgeway
SS for SCS for SB 944-Engler

SENATE BILLS FOR PERFECTION

1. SB 939-Stouffer, with SCS
2. SB 1046-Mayer
3. SB 1116-Days
4. SB 1035-Scott, with SCS
5. SB 817-Goodman
6. SB 874-Graham, with SCS
7. SB 881-Green
8. SB 967-Mayer, with SCS
9. SB 713-Gibbons, with SCS
10. SB 1093-Loudon, et al

11. SB 811-Stouffer, with SCS
12. SB 957-Goodman
13. SB 990-Champion
14. SB 1103-Gibbons
15. SB 915-Ridgeway
16. SBs 982, 834 & 819-Purgason, with SCS
17. SB 767-Goodman and Gibbons, with SCS
18. SB 815-Goodman
19. SB 716-Loudon, et al
20. SB 1059-Engler, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SBs 754 & 794-Mayer and Loudon

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS
 SBs 714, 933, 899 & 758-Loudon and
 Gibbons, with SCS
 SB 717-Kennedy and Shields
 SB 726-Shields, with SCS
 SB 729-Griesheimer, with SCS
 SB 749-Ridgeway, with SCS
 SB 756-Engler and Rupp, with SCS (pending)
 SBs 761 & 774-Stouffer, with SCS
 SB 764-Wilson, et al, with SA 2 (pending)
 SB 768-Rupp and Gibbons, with SCS
 SB 776-Justus and Koster, with SCS
 SB 809-Stouffer, with SCS
 SB 821-Shoemyer, with SCS (pending)
 SB 822-Shoemyer

SBs 840 & 857-Engler, with SCS
 SB 846-Rupp, with SCS
 SB 865-Rupp and Gibbons, with SCS
 SB 873-Graham, with SCS
 SB 898-Clemens, with SCS
 SB 907-Engler and Gibbons, with SCS
 SBs 909, 954, 934 & 1003-Engler, with SCS
 SB 929-Green and Callahan, with SCS
 SBs 930 & 947-Stouffer, with SCS
 SBs 993 & 770-Crowell, with SCS
 SB 996-Crowell, with SCS
 SB 997-Crowell
 SB 1007-Loudon
 SB 1058-Mayer
 SJRs 34 & 30-Crowell and Coleman, with SCS

CONSENT CALENDAR

Senate Bills

Reported 3/6

SB 790-Champion
 SB 1016-Mayer
 SB 863-Rupp
 SB 1073-Dempsey
 SB 805-Mayer
 SB 1044-Stouffer, with SCS
 SB 1089-Justus, with SCS

SB 1033-Griesheimer, with SCS
 SB 980-Ridgeway
 SB 1151-Barnitz
 SB 956-Kennedy
 SB 1108-Scott
 SB 797-Bray

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Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FIFTH DAY—TUESDAY, MARCH 11, 2008

The Senate met pursuant to adjournment.

Senator Rupp in the Chair.

Reverend Carl Gauck offered the following prayer:

“Perform an unpleasant task daily just to keep in moral trim.” (Psychologist William James)

Lord God, You know it is easier for us to do that which is comfortable and pleasing to ourselves and often very uncomfortable to do that which we know will not be pleasant. But help us to strengthen our moral muscles by exercising them daily doing what is right and resisting life’s constant small temptations. For it is Your call for us to serve and walk Your righteous path. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Days
Dempsey	Engler	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

Absent—Senators—None

Absent with leave—Senators

Crowell	Gibbons	Kennedy	Ridgeway—4
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Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Days offered Senate Resolution No. 2071, regarding Jeanette Days Pulliam, Normandy, which was adopted.

Senator Bartle offered Senate Resolution No. 2072, regarding the Fiftieth Wedding Anniversary of Gary and Donna Arbuckle, Lee's Summit, which was adopted.

REFERRALS

In the absence of President Pro Tem Gibbons and without objection, Senator Shields referred **SS** for **SCS** for **SB 944** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 726**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 726**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 726

An Act to amend chapters 208 and 210, RSMo, by adding thereto three new sections relating to child care facilities.

Was taken up.

Senator Shields moved that **SCS** for **SB 726** be adopted.

Senator Shields offered **SS** for **SCS** for **SB 726**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 726

An Act to amend chapter 210, RSMo, by adding thereto two new sections relating to child care facilities.

Senator Shields moved that **SS** for **SCS** for **SB 726** be adopted.

Senator Goodman assumed the Chair.

Senator Shoemyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 726, Page 3, Section 210.205, Line 12, by inserting immediately after the word "improvements." the following:

"The grants shall be awarded in such a manner to ensure geographic diversity among the grantees."

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

President Kinder assumed the Chair.

Senator Rupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 726, Page 1, Section 210.205, Line 14, by inserting immediately after the word “agency.” the following:

“All early childhood programs licensed by the department and accredited by the National Association for the Education of Young Children shall receive the highest level of the rating system.”.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer assumed the Chair.

Senator Justus offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 726, Page 1, Section A, Line 3 of said page, by inserting immediately after said line the following:

“208.026. By July 1, 2009, all licensed child care providers serving families receiving state-funded child care assistance shall be reimbursed at the current market rate for child care as established by the biennial state market rate survey conducted by the department of social services pursuant to 42 U.S.C. section 601 et. seq. and 45 CFR 98.43(b)(2).

208.046. 1. The children's division shall promulgate rules to become effective no later than July 1, 2009, to modify the income eligibility criteria for any person receiving state-funded child care assistance under this chapter, either through vouchers or direct reimbursement to child care providers, as follows:

(1) For incomes of less than one hundred forty percent of the federal poverty level for the applicable family size, such persons receiving state-funded child care assistance under this chapter shall be eligible, subject to appropriations, to receive child care subsidy benefits, less a sliding fee established by the children's division based on family size and income;

(2) A person receiving state-funded child care assistance under this chapter and whose income surpasses one hundred forty percent of the federal poverty level for the applicable family size may continue to receive reduced subsidy benefits on a scale established by the children's division until such person's income reaches one hundred eighty-five percent of the federal poverty level for the applicable family size, at which time such person will have assumed the full cost of the maximum base child care subsidy rate established by the children's division and shall be no longer eligible for child care subsidy benefits;

(3) If appropriations in a given fiscal year are insufficient to provide the subsidy established under this chapter for all eligible recipients, the children's division shall establish a waiting list and promulgate rules for the prioritization of eligible recipients on the waiting list.

2. The sliding scale fee established in this section for child care subsidy recipients may be waived for children with special needs as established by the children's division.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is

subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted.

Senator Justus offered SSA 1 for SA 3:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 726, Page 1, Section A, Line 3 of said page, by inserting immediately after said line the following:

“208.046. 1. The children's division shall promulgate rules to become effective no later than July 1, 2009, to modify the income eligibility criteria for any person receiving state-funded child care assistance under this chapter, either through vouchers or direct reimbursement to child care providers, as follows:

(1) For incomes of less than one hundred forty percent of the federal poverty level for the applicable family size, such persons receiving state-funded child care assistance under this chapter shall be eligible, subject to appropriations, to receive child care subsidy benefits, less a sliding fee established by the children's division based on family size and income;

(2) A person receiving state-funded child care assistance under this chapter and whose income surpasses one hundred forty percent of the federal poverty level for the applicable family size may continue to receive reduced subsidy benefits on a scale established by the children's division until such person's income reaches one hundred eighty-five percent of the federal poverty level for the applicable family size, at which time such person will have assumed the full cost of the maximum base child care subsidy rate established by the children's division and shall be no longer eligible for child care subsidy benefits;

(3) If appropriations in a given fiscal year are insufficient to provide the subsidy established under this chapter for all eligible recipients, the children's division shall establish a waiting list and promulgate rules for the prioritization of eligible recipients on the waiting list.

2. The sliding scale fee established in this section for child care subsidy recipients may be waived for children with special needs as established by the children's division.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above substitute amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Callahan, Koster and Purgason.

Senator Purgason offered **SA 1** to **SSA 1** for **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 726, Page 1, Section 208.046, Line 10, by striking the words “one hundred forty” and inserting in lieu thereof the following: “**three hundred**”; and further amend line 17 by striking the words “one hundred forty” and inserting in lieu thereof the following: “**three hundred**”; and further amend line 21 by striking the words “one hundred eighty-five” and insert in lieu thereof the following: “**three hundred fifty**”.

Senator Purgason moved that the above amendment be adopted, which motion failed.

SSA 1 for **SA 3** was again taken up.

SSA 1 for **SA 3** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman	Days	Engler	Graham	Green
Justus	Koster	McKenna	Rupp	Shoemyer	Smith	Wilson—15	

NAYS—Senators

Bartle	Champion	Clemens	Dempsey	Goodman	Griesheimer	Lager	Loudon
Mayer	Nodler	Purgason	Scott	Shields	Stouffer	Vogel—15	

Absent—Senators—None

Absent with leave—Senators

Crowell	Gibbons	Kennedy	Ridgeway—4
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Vacancies—None

SA 3 was again taken up.

Senator Justus moved that the above amendment be adopted, which motion failed.

Senator Rupp offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 726, Page 5, Section 210.205, Line 3, by inserting after all of said line the following:

“9. The provisions of this section shall only become effective upon notice to the revisor of statutes by the department of social services that the state of Missouri ranks in the top twenty-five percent among the states in providing state-funded child care assistance under chapter 208, RSMo.”.

Senator Rupp moved that the above amendment be adopted.

Senator Shields requested a roll call vote be taken on the adoption of **SA 4** and was joined in his request by Senators Callahan, Champion, Coleman and Nodler.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Days	Dempsey	Graham	Justus	Koster
Loudon	McKenna	Purgason	Rupp	Scott	Shoemyer—14		

NAYS—Senators

Bray	Champion	Clemens	Coleman	Engler	Goodman	Green	Griesheimer
Lager	Mayer	Nodler	Shields	Smith	Stouffer	Vogel	Wilson—16

Absent—Senators—None

Absent with leave—Senators

Crowell	Gibbons	Kennedy	Ridgeway—4
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Vacancies—None

Senator Smith offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 726, Page 1, In the Title, Line 3, by striking the word “facilities”; and

Further amend said bill and page, section A, line 3, by inserting immediately after said line the following:

“162.1168. 1. There is hereby established a pilot program within the Missouri preschool project to be known as the “Missouri Preschool Plus Grant Program”, which shall serve up to one thousand two hundred fifty students with high quality early childhood educational services in order to improve school readiness outcomes. The program shall be administered by the department of elementary and secondary education in collaboration with the coordinating board for early childhood. Grants shall be awarded in this section for three years and shall be renewable. The program shall be funded through appropriations to the Missouri preschool plus grant program fund. Funds from the gaming commission fund shall not be used to fund the program.

2. For purposes of this section, the following terms shall mean:

(1) “Department”, the department of elementary and secondary education;

(2) “Program”, the Missouri preschool plus grant program.

3. Grantees shall include the following:

(1) School districts classified as unaccredited by the state board of education; or

(2) Non-sectarian community-based organizations located within a school district classified as unaccredited by the state board of education.

4. If a school district becomes classified as provisionally accredited or accredited by the state board of education, the school district may complete the length of an existing grant and shall be

eligible for one additional renewal for three years.

5. To receive a preschool placement under this section, a child shall be one or two years away from kindergarten entry.

6. The Missouri preschool plus grant program shall comply with the standards developed under section 161.213, RSMo. Public school grantees shall employ teachers with a bachelor's degree. Non-sectarian community-based organizations may employ teachers with at least an associate's degree provided such teachers demonstrate they are on the path to obtaining a bachelor's degree within five years.

7. Families with incomes less than one hundred thirty percent of the federal poverty guidelines shall receive free services through eligible grantees. Families with incomes at or above one hundred thirty percent of the federal poverty guidelines may be charged a co-pay on a sliding scale, as established by the department.

8. At least fifty percent of the preschool placements funded by the program shall be offered through non-sectarian community-based organizations.

9. The department shall develop standards for teacher-pupil ratios, classroom size, teacher training and educational attainment, and curriculum.

10. Grantees participating in the program shall give admission preference to dependents of active duty military personnel.

11. School districts in which such pilot programs exist shall collect data about short-term and long-term student performance so that the program may be evaluated on quantitative measurements developed by the department. For purposes of this subsection, "long-term" shall mean from point of entry to graduation from high school.

12. Grantees shall coordinate preschool programs with the nearest parents as teachers site to ensure a continuum of care.

13. The department shall accept applications in a competitive bid process to begin implementation of the program for the 2009-2010 school year.

14. The department shall promulgate rules and regulations necessary to implement this section by January 1, 2009. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

15. The general assembly shall appropriate an amount sufficient to adequately fund the provisions of this section, which shall be a minimum of five million dollars in any fiscal year.

16. There is hereby created in the state treasury the "Missouri Preschool Plus Grant Program Fund" which shall consist of general revenue appropriated to the program, funds received from the federal government, and voluntary contributions to support or match program activities. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance

with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of this section. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

17. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted.

Senator Callahan offered **SA 1 to SA 5**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 5**

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 726, Page 2, Section 162.1168, Line 6, by inserting after all of said line the following:

“(3) Any school district that, as a result of a boundary change election as provided in 162.431, receives pupils from a provisionally accredited or unaccredited school district.”.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 2 to SA 5**, which was read:

**SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 5**

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 726, Page 3, Section 162.1168, Line 6, by inserting immediately after the word “districts” the following: **“and non-sectarian community-based organizations”**; and further amend line 8, by inserting immediately after the word “performance” the following: **“, where feasible,”**; and further amend line 9 by inserting immediately after the word “department.” the following: **“The department shall make a good faith effort to collect long-term student performance data required under this subsection for students who attend non-public schools.”.**

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Mayer assumed the Chair.

Senator Smith offered **SA 3 to SA 5**, which was read:

SENATE AMENDMENT NO. 3 TO
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 726, Page 4, Section 162.1168, Line 3, by striking the words “a minimum of”.

Senator Smith moved that the above amendment be adopted, which motion prevailed.

SA 5, as amended, was again taken up.

Senator Smith moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Green, Justus and Koster.

SA 5, as amended, was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Clemens	Coleman	Days	Dempsey	Engler
Goodman	Graham	Green	Justus	Koster	McKenna	Rupp	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson—21			

NAYS—Senators

Bartle	Griesheimer	Lager	Loudon	Mayer	Nodler	Purgason—7
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Absent—Senators

Champion	Scott—2
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Absent with leave—Senators

Crowell	Gibbons	Kennedy	Ridgeway—4
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Vacancies—None

Senator Shields moved that **SS** for **SCS** for **SB 726**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **SCS** for **SB 726**, as amended, was declared perfected and ordered printed.

On motion of Senator Shields, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1711**, entitled:

An Act to repeal section 190.335, RSMo, and to enact in lieu thereof one new section relating to emergency service boards.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 759**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Clemens moved that **SB 898**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 898**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 898

An Act to repeal sections 135.800, 135.805, 142.028, 260.546, 261.035, 261.230, 261.235, 261.239, 263.232, 265.200, 348.430, 348.432, and 348.505, RSMo, and to enact in lieu thereof nineteen new sections relating to the administration of agriculture incentives and programs.

Was taken up.

Senator Clemens moved that **SCS** for **SB 898** be adopted.

Senator Clemens offered **SS** for **SCS** for **SB 898**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 898

An Act to repeal sections 135.800, 135.805, 142.028, 260.546, 261.035, 261.230, 261.235, 261.239, 263.232, 265.200, 348.430, 348.432, and 348.505, RSMo, and to enact in lieu thereof twenty-three new sections relating to the administration of agriculture incentives and programs.

Senator Clemens moved that **SS** for **SCS** for **SB 898** be adopted.

Senator Shoemyer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 2, Section 135.633, Line 9, by inserting immediately after the word “partnership,” the following: “**cooperative**,”.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 4, Section 135.633, Line 12, by inserting after all of said line the following:

“8. No producer or co-op shall be eligible for the tax credit under this section if such producer employs a lobbyist, as defined in section 105.470, RSMo, or is represented by a lobbyist, when the work of such lobbyist is on behalf of the producer's agricultural operations.”; and further amend said section by renumbering the remaining subsections accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion failed.

Senator Purgason offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 39, Section 265.200, Line 4, by inserting after all of said line the following:

“267.168. 1. The state of Missouri may support a voluntary animal identification program. The department of agriculture shall not mandate or otherwise force national animal identification system (NAIS) premises registration without specific statutory authorization from the Missouri general assembly.

2. Any person who participates in the national animal identification system may withdraw from the system at any time. All personal information relating to a participant shall be deleted from the system when the participant withdraws, unless the participant is part of an ongoing disease investigation.”; and

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

Senator Scott assumed the Chair.

Senator Nodler offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 51, Section 348.505, Line 8, by inserting after all of said line the following:

“640.710. 1. The department shall promulgate rules regulating the establishment, permitting, design, construction, operation and management of class I facilities. The department shall have the authority and jurisdiction to regulate the establishment, permitting, design, construction, operation and management of any class I facility. Such rules may require monitoring wells on a site-specific basis when, in the determination of the division of geology and land survey, class IA concentrated animal feeding operation lagoons are located in hydrologically sensitive areas where the quality of groundwater may be compromised. Such rules and regulations shall be designed to afford a prudent degree of environmental protection while accommodating modern agricultural practices.

2. If a decision on any application concerning a concentrated animal feeding operation cannot be rendered by the department within ninety days of the receipt of the completed application, the director shall establish, publish, and post on the department website a time line under which such application shall be considered and decided. Immediately following establishment of the time line, the director shall arrange for its publication for a period of ten days in the newspaper of each county or incorporated city, town, or village to be affected by the permit application. The time line shall be posted on the department's website for the duration of time the application is open for consideration.

The director may only amend the time line once. In the event that such an amendment is made, the director shall publish the new time line immediately after that decision has been made, in the same manner as described above.

3. Except as provided in subsections 3 and 4 of this section, the department shall require at least but not more than the following buffer distances between the nearest confinement building or lagoon and any public building or occupied residence, except a residence which is owned by the concentrated animal feeding operation or a residence from which a written agreement for operation is obtained:

(1) For concentrated animal feeding operations with at least one thousand animal units, one thousand feet;

(2) For concentrated animal feeding operations with between three thousand and six thousand nine hundred ninety-nine animal units inclusive, two thousand feet; and

(3) For concentrated animal feeding operations of seven thousand or more animal units, three thousand feet.

[3.] 4. All concentrated animal feeding operations in existence as of June 25, 1996, shall be exempt from the buffer distances prescribed in subsection 2 of this section. Such distances shall not apply to concentrated animal feeding operations which have received a written agreement which has been signed by all affected property owners within the buffer distance.

[4.] 5. The department may, upon review of the information contained in the site plan including, but not limited to, the prevailing winds, topography and other local environmental factors, authorize a distance which is less than the distance prescribed in subsection 2 of this section. The department's recommendation shall be sent to the governing body of the county in which such site is proposed. The department's authorized buffer distance shall become effective unless the county governing body rejects the department's recommendation by a majority vote at the next meeting of the governing body after the recommendation is received.

[5.] 6. Nothing in this section shall be construed as restricting local controls.

643.151. 1. It is unlawful for any person to cause or permit any air pollution by emission of any air contaminant from any air contaminant source located in Missouri, in violation of sections 643.010 to 643.190, or any rule promulgated by the commission.

2. No person who knows or should know of the existence of such rules may cause or permit any air pollution by emission of any air contaminant source located outside Missouri, and which emissions enter Missouri in excess of the emission control regulations applicable to the portion of Missouri where the air contaminant enters the state.

3. In the event the commission determines that any provision of sections 643.010 to 643.190, or the rules promulgated hereunder, permits issued, or any final order or determination made by the commission or the director is being violated, the commission may cause to have instituted a civil action in any court of competent jurisdiction for injunctive relief to prevent any further violation or for the assessment of a penalty not to exceed ten thousand dollars for each violation per day for each day, or part thereof, the violation continues to occur, or both, as the court may deem proper. A civil monetary penalty under this section shall not be assessed for a violation where an administrative penalty was assessed under section 643.085. The commission may request the attorney general or other counsel to bring such action in the name of the people

of the state of Missouri. Process may be served in any manner provided by chapter 506, RSMo, including but not limited to sections 506.510 and 506.520, RSMo. Suit may be brought in any county where the defendant's principal place of business is located or where the air contaminant source is located or where the air contaminants enter the state of Missouri. Any offer of settlement to resolve a civil penalty under this section shall be in writing, shall state that an action for imposition of a civil penalty may be initiated by the attorney general or a prosecuting attorney representing the department under authority of this section, and shall identify any dollar amount as an offer of settlement which shall be negotiated in good faith through conference, conciliation and persuasion.

4. Any concentrated animal feeding operation or recycling company that converts animal parts into petroleum that the commission or the director determines to be in persistent violation of the provisions of this section or any odor rule promulgated by the department shall forfeit any permits issued by the department under sections 640.700 to 640.755, RSMo, this chapter, or chapter 644, RSMo, until such time that the concentrated animal feeding operation or recycling company that converts animal parts into petroleum successfully reapplies for a new permit. Except as provided otherwise in subsection 10 of this section, for the purposes of this subsection, the term “persistent violation” shall mean any concentrated animal feeding operation or recycling company that converts animal parts into petroleum that has been found by the commission or the director to have violated the provisions of this section at least six times during any twelve-month period or at least twelve times during any thirty-six month period.

5. During any thirty-six month period, any concentrated animal feeding operation or recycling company that converts animal parts into petroleum that the commission or director has found to have violated the provisions of this section on more than one occasion shall be subject to a surcharge in addition to the civil penalties assessed under subsection 3 of this section. The surcharge shall be an amount equal to the sum of the penalty assessed under subsection 3 of this section for the current citation plus all the fines assessed against the violator during the thirty-six month period prior to the date the citation was issued.

6. The proceeds of any surcharge assessed under subsection 5 of this section shall be deposited into the “Air Pollution Enforcement Fund”, which is hereby established and shall be administered by the department. One half of all moneys in the fund shall be utilized exclusively to enforce the provisions of this section and one half of all moneys in the fund shall be transferred at least annually to the state school moneys fund as established in section 166.051, RSMo, and distributed to the public schools of this state in the manner provided in section 163.031, RSMo.

7. Notwithstanding the provisions of section 33.080, RSMo, moneys in the air pollution enforcement fund shall not revert to general revenue. The state treasurer shall invest the moneys from the fund in the same manner as other state funds are invested. Interest accruing to the fund shall be deposited in the fund and shall not be transferred to general revenue.

8. Any member of the commission or employee thereof who is convicted of willful disclosure or conspiracy to disclose confidential information to any person other than one entitled to the information under sections 643.010 to 643.190 is guilty of a class A misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars.

[5.] 9. No liability shall be imposed upon persons violating the provisions of sections 643.010 to 643.190 or any rule hereunder due to any violation caused by an act of God, war, strike, riot or other

catastrophe.

10. Upon any change in sections 643.010 to 643.190 or in the commission's regulations promulgated thereunder, the director may correspondingly adjust, by rule, the number of violations in any twelve or thirty-six month period that shall be considered a persistent violation under subsection 4 of this section, provided that any such adjustment shall keep the ratio of violations to time period reasonably consistent with the intent of the ratio in subsection 4 of this section.

644.076. 1. It is unlawful for any person to cause or permit any discharge of water contaminants from any water contaminant or point source located in Missouri in violation of sections 644.006 to 644.141, or any standard, rule or regulation promulgated by the commission. In the event the commission or the director determines that any provision of sections 644.006 to 644.141 or standard, rules, limitations or regulations promulgated pursuant thereto, or permits issued by, or any final abatement order, other order, or determination made by the commission or the director, or any filing requirement pursuant to sections 644.006 to 644.141 or any other provision which this state is required to enforce pursuant to any federal water pollution control act, is being, was, or is in imminent danger of being violated, the commission or director may cause to have instituted a civil action in any court of competent jurisdiction for the injunctive relief to prevent any such violation or further violation or for the assessment of a penalty not to exceed ten thousand dollars per day for each day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper. A civil monetary penalty pursuant to this section shall not be assessed for a violation where an administrative penalty was assessed pursuant to section 644.079. The commission, the chair of a watershed district's board of trustees created under section 249.1150, RSMo, or the director may request either the attorney general or a prosecuting attorney to bring any action authorized in this section in the name of the people of the state of Missouri. Suit may be brought in any county where the defendant's principal place of business is located or where the water contaminant or point source is located or was located at the time the violation occurred. Any offer of settlement to resolve a civil penalty pursuant to this section shall be in writing, shall state that an action for imposition of a civil penalty may be initiated by the attorney general or a prosecuting attorney representing the department pursuant to this section, and shall identify any dollar amount as an offer of settlement which shall be negotiated in good faith through conference, conciliation and persuasion.

2. Any concentrated animal feeding operation or recycling company that converts animal parts into petroleum that the commission or the director determines to be in persistent violation of the provisions of this section shall forfeit any permits issued by the department under sections 640.700 to 640.755, RSMo, chapter 643, RSMo, or chapter 644, until such time the concentrated animal feeding operation or recycling company that converts animal parts into petroleum successfully reapplies for a new permit. Except as provided otherwise in subsection 9 of this section, for the purposes of this subsection, the term "persistent violation" shall mean any concentrated animal feeding operation or recycling company that converts animal parts into petroleum that the commission or the director has found to have violated the provisions of this section at least six times during any twelve-month period or at least twelve times during any thirty-six month period.

3. During any thirty-six month period, any concentrated animal feeding operation or recycling company that converts animal parts into petroleum that the commission or director has found to have violated the provisions of this section on more than one occasion shall be subject to a surcharge in addition to the civil penalties assessed under subsection 1 of this section. The surcharge shall be an amount equal to the sum of the penalty assessed under subsection 1 of this section for the current

citation plus all the fines assessed against the violator during the thirty-six month period prior to the date the citation was issued.

4. The proceeds of any surcharge assessed under subsection 3 of this section shall be deposited into the “Water Pollution Enforcement Fund”, which is hereby established and shall be administered by the department. One half of all moneys in the fund shall be utilized exclusively to enforce the provisions of this section, and one half of all the moneys in the fund shall be transferred at least annually to the state school moneys fund as established in section 166.051, RSMo, and distributed to the public schools of this state in the manner provided in section 163.031, RSMo.

5. Notwithstanding the provisions of section 33.080, RSMo, moneys in the water pollution enforcement fund shall not revert to general revenue. The state treasurer shall invest the moneys from the fund in the same manner as other state funds are invested. Interest accruing to the fund shall be deposited in the fund and shall not be transferred to general revenue.

6. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to sections 644.006 to 644.141 or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained pursuant to sections 644.006 to 644.141 shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months, or by both.

[3.] 7. Any person who willfully or negligently commits any violation set forth pursuant to subsection 1 of this section shall, upon conviction, be punished by a fine of not less than two thousand five hundred dollars nor more than twenty-five thousand dollars per day of violation, or by imprisonment for not more than one year, or both. Second and successive convictions for violation of the same provision of this section by any person shall be punished by a fine of not more than fifty thousand dollars per day of violation, or by imprisonment for not more than two years, or both.

[4.] 8. The liabilities which shall be imposed pursuant to any provision of sections 644.006 to 644.141 upon persons violating the provisions of sections 644.006 to 644.141 or any standard, rule, limitation, or regulation adopted pursuant thereto shall not be imposed due to any violation caused by an act of God, war, strike, riot, or other catastrophe.

9. Upon any change in sections 644.006 to 644.141 or in the commission's regulations promulgated thereunder, the director may correspondingly adjust, by rule, the number of violations in any twelve or thirty-six month period that shall be considered a persistent violation under subsection 2 of this section, provided that any such adjustment shall keep the ratio of violations to time period reasonably consistent with the intent of the ratio in subsection 2 of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Clemens, Purgason and Shields.

SA 4 was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Coleman	Days	Dempsey	Engler
Goodman	Graham	Green	Griesheimer	Justus	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Rupp	Scott	Shields	Shoemyer	Smith

Vogel Wilson—26

NAYS—Senators

Barnitz Clemens Stouffer—3

Absent—Senator Koster—1

Absent with leave—Senators

Crowell Gibbons Kennedy Ridgeway—4

Vacancies—None

Senator Barnitz offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 51, Section 348.505, Line 8 of said page, by inserting after all of said line the following:

“348.515. In recognition of the role of animal agriculture in the economic well-being of this state and in recognition that opportunities to succeed in agriculture should not be limited by the economic means of persons engaged in agriculture, the general assembly of the state of Missouri declares that state assistance in the guarantee of loans made to enable independent livestock and poultry family farm operations to succeed in the operation will benefit the state of Missouri economically and socially and is a public purpose of great importance.

348.518. 1. In addition to the duties and powers established in sections 348.005 to 348.505, the Missouri agricultural and small business development authority shall develop and implement a livestock feed and crop input loan guarantee program as provided in sections 348.515 to 348.533. The authority may promulgate rules necessary to carry out the purposes of sections 348.515 to 348.533. The rules promulgated under sections 348.515 to 348.533 shall be designed to encourage maximum involvement and participation by lenders and financial institutions in the loan guarantee program. The authority shall be the administrative agency for the implementation of the loan guarantee program, and may employ such persons as necessary, within the limits of appropriations made for that purpose, to administer the loan guarantee program.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

348.521. 1. The authority may issue certificates of guaranty covering a first loss guarantee up to but not more than fifty percent of the loan on a declining principal basis for loans to individuals executing a note or other evidence of a loan made for livestock feed or crop input, but not to exceed the amount of forty thousand dollars for any one individual and to pay from the livestock feed and crop input loan guarantee fund to an eligible lender up to fifty percent of the amount on a declining

principal basis of any loss on any guaranteed loan made under the provisions of sections 348.515 to 348.533, in the event of default on the loan. Upon payment of the loan, the authority shall be subrogated to all the rights of the eligible lender.

2. As used in sections 348.515 to 348.533, the term “eligible lender” means those entities defined as “lenders” under subdivision (8) of section 348.015.

3. The authority shall charge for each guaranteed loan a one-time participation fee of fifty dollars which shall be collected by the lender at the time of closing and paid to the authority. Amounts so collected shall be deposited in the livestock feed and crop input loan program fund and used, upon appropriation, to pay the costs of administering the program.

4. All moneys paid to satisfy a defaulted guaranteed loan shall only be paid out of the livestock feed and crop input loan guarantee fund established by sections 348.515 to 348.533.

5. The total outstanding guaranteed loans shall at no time exceed an amount which, according to sound actuarial judgment, would allow immediate redemption of twenty percent of the outstanding loans guaranteed by the fund at any one time.

348.524. 1. There is hereby established in the state treasury the “Livestock Feed and Crop Input Loan Guarantee Fund”. The fund shall consist of money appropriated to it by the general assembly, charges, gifts, grants and bequests from federal, private or other sources. Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund shall be transferred to the general revenue fund.

2. All moneys received by the authority for payments made on previously defaulted guaranteed loans shall be paid promptly into the state treasury and deposited in the fund.

3. The fund shall be administered by the Missouri agricultural and small business development authority organized under sections 348.005 to 348.180.

4. Beginning with fiscal year 2009, the general assembly may appropriate moneys not to exceed four million dollars for the establishment and initial funding of the livestock feed and crop input loan guarantee fund.

348.527. Moneys in the fund, both unobligated and obligated as a reserve, which in the judgment of the authority are not currently needed for payments of defaults of guaranteed loans, may be invested by the state treasurer, and any income therefrom shall be deposited to the credit of the fund.

348.530. 1. Persons eligible for guarantees for loans under the provisions of sections 348.515 to 348.533 are individuals engaged in farming operations as defined in section 348.015, who intend to use the proceeds from the loan to finance the purchase of livestock feed used to produce livestock or input used to produce crops for the feeding of livestock, and who are seeking a loan or loans to finance not more than ninety percent of the anticipated cost.

2. The authority shall adopt and promulgate rules establishing eligibility under the provisions of sections 348.515 to 348.533, taking into consideration the individual's ability to repay the loan, the general economic conditions of the area in which the individual will be located, the prospect of success of the particular farm operation for which the loan is sought and such other factors as the authority may establish. The eligibility of any person for a loan guarantee under the provisions of sections 348.515 to 348.533 shall not be determined or otherwise affected by any consideration of that person's

race, religion, sex, creed, color, or location of residence. The authority may also provide for:

- (1) The manner and time of repayment of the principal and interest;
- (2) The right of the borrower to accelerate payments without penalty;
- (3) The amount of the guaranty charge;
- (4) The effective period of the guaranty;
- (5) The percent of the loan, not to exceed fifty percent, covered by the guaranty;
- (6) The assignability of loans by the lender;
- (7) Procedures in event of default by the borrower;
- (8) The due diligence effort on the part of lenders for collection of guaranteed loans;
- (9) Collection assistance to be provided to lenders; and
- (10) The extension of the guaranty in consideration of duty in the armed forces, unemployment, natural disasters, or other hardships.”; and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted.

At the request of Senator Clemens, **SB 898**, with **SCS, SS** for **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 726**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Rupp offered Senate Resolution No. 2073, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Leon Creech, Troy, which was adopted.

Senator Rupp offered Senate Resolution No. 2074, regarding Andrew McCown, Wentzville, which was adopted.

On behalf of Senator Kennedy, Senator Coleman offered Senate Resolution No. 2075, regarding Alphonso Neal, II, Saint Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Justus introduced to the Senate, Alex Hayes, Joseph Knopke, Nikolas Calia, Sean Galey, Michael Hart, Kyle McDonald and Jacob Spence, members of St. Elizabeth’s Webelo Pack 150, Kansas City; and Alex, Joseph, Nikolas, Sean, Michael, Kyle and Jacob were made honorary pages.

Senator Purgason introduced to the Senate, Susan Rodgers and eighth grade students from Junction Hill

School.

Senator Griesheimer introduced to the Senate, Nicole Schroeder, Grover.

Senator Griesheimer introduced to the Senate, Janie and Andrew Arnold, and eighth grade students from Holy Rosary Catholic School, Warrenton.

Senator Griesheimer introduced to the Senate, Don and Sylvia Storie, St. Clair.

Senator Days introduced to the Senate, Dara Antrum, St. Louis.

Senator Scott introduced to the Senate, Roxy Hudson and members of Leadership Bolivar.

Senator Griesheimer introduced to the Senate, his niece, Katie Bolte, Bill Gegg and eleven students from St. Francis Borgia Regional High School, Washington.

Senator Champion introduced to the Senate, students from Parkview High School, Springfield.

Senator Mayer introduced to the Senate, Lisa Burkhalter, Derik Waller, Katelyn Gibson, Becca Hutchison, Albertina Henry and students from Senath-Hornersville School; and Tishana Rushing, Kasey Mara, Irving Casiano and Brittany Riddle were made honorary pages.

Senator Wilson introduced to the Senate, her sister, Vivienne Smith and her niece, Virginia Dee Evans and Raymaelle Davis, Kansas City.

On behalf of Senator Griesheimer, the President introduced to the Senate, Lance Butenhoff, St. Clair; Nellie Abella, Washington; and Cindy Menke, Union.

Senator Coleman introduced to the Senate, members of St. Louis Principals Academy, St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SIXTH DAY–WEDNESDAY, MARCH 12, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 1595 & 1668
HB 1371-Wilson (119), et al
HB 1678-Day, et al
HB 1384-Cox, et al

HCS for HB 1779
HCS for HB 1619
HB 1570-Franz
HB 1711-Weter, et al

THIRD READING OF SENATE BILLS

SCS for SBs 1034 & 802-Mayer

SCS for SB 732-Champion, et al

SS#2 for SCS for SBs 747 & 736-Ridgeway
 SS for SCS for SB 944-Engler
 (In Fiscal Oversight)

SCS for SB 759-Stouffer
 SS for SCS for SB 726-Shields

SENATE BILLS FOR PERFECTION

1. SB 939-Stouffer, with SCS
 2. SB 1046-Mayer
 3. SB 1116-Days
 4. SB 1035-Scott, with SCS
 5. SB 817-Goodman
 6. SB 874-Graham, with SCS
 7. SB 881-Green
 8. SB 967-Mayer, with SCS
 9. SB 713-Gibbons, with SCS
 10. SB 1093-Loudon, et al

11. SB 811-Stouffer, with SCS
 12. SB 957-Goodman
 13. SB 990-Champion
 14. SB 1103-Gibbons
 15. SB 915-Ridgeway
 16. SBs 982, 834 & 819-Purgason, with SCS
 17. SB 767-Goodman and Gibbons, with SCS
 18. SB 815-Goodman
 19. SB 716-Loudon, et al
 20. SB 1059-Engler, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SBs 754 & 794-Mayer and Loudon

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS
 SBs 714, 933, 899 & 758-Loudon and
 Gibbons, with SCS
 SB 717-Kennedy and Shields
 SB 729-Griesheimer, with SCS
 SB 749-Ridgeway, with SCS
 SB 756-Engler and Rupp, with SCS (pending)
 SBs 761 & 774-Stouffer, with SCS
 SB 764-Wilson, et al, with SA 2 (pending)
 SB 768-Rupp and Gibbons, with SCS
 SB 776-Justus and Koster, with SCS
 SB 809-Stouffer, with SCS
 SB 821-Shoemyer, with SCS (pending)
 SB 822-Shoemyer
 SBs 840 & 857-Engler, with SCS

SB 846-Rupp, with SCS
 SB 865-Rupp and Gibbons, with SCS
 SB 873-Graham, with SCS
 SB 898-Clemens, with SCS, SS for SCS &
 SA 5 (pending)
 SB 907-Engler and Gibbons, with SCS
 SBs 909, 954, 934 & 1003-Engler, with SCS
 SB 929-Green and Callahan, with SCS
 SBs 930 & 947-Stouffer, with SCS
 SBs 993 & 770-Crowell, with SCS
 SB 996-Crowell, with SCS
 SB 997-Crowell
 SB 1007-Loudon
 SB 1058-Mayer
 SJRs 34 & 30-Crowell and Coleman, with SCS

CONSENT CALENDAR

Senate Bills

Reported 3/6

SB 790-Champion

SB 1016-Mayer

SB 863-Rupp

SB 1073-Dempsey

SB 805-Mayer

SB 1044-Stouffer, with SCS

SB 1089-Justus, with SCS

SB 1033-Griesheimer, with SCS

SB 980-Ridgeway

SB 1151-Barnitz

SB 956-Kennedy

SB 1108-Scott

SB 797-Bray

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Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SIXTH DAY—WEDNESDAY, MARCH 12, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Prayer opens the understanding to the brightness of Divine Light, and the will to the warmth of Heavenly Love...” (Francis de Sales)

Gracious Father, we come to the middle of this week and recognize our need for prayer so that we might see Your light and follow its directing us to love one another as You have loved us. It is not always easy for us to do that so we are driven to prayer that it might be possible for us to live the way You desire this day in this place. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Goodman	Graham	Green	Griesheimer	Justus
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

Absent—Senators—None

Absent with leave—Senators

Gibbons Kennedy—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bray offered Senate Resolution No. 2076, regarding the Sixtieth Birthday of Max Willis, San Antonio, Texas, which was adopted.

Senator Crowell offered Senate Resolution No. 2077, regarding the Class 4 state champion Notre Dame High School boys basketball program, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2078, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Junior Zschille, Jackson, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Clemens moved that **SB 898**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 5 was again taken up.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 20, Section 142.028, Line 28, by inserting after all of said line the following:

“142.815. 1. Motor fuel used for the following nonhighway purposes is exempt from the fuel tax imposed by this chapter, and a refund may be claimed by the consumer, except as provided for in subsection (1) of this section, if the tax has been paid and no refund has been previously issued:

(1) Motor fuel used for nonhighway purposes including fuel for farm tractors or stationary engines owned or leased and operated by any person and used exclusively for agricultural purposes and including, beginning January 1, 2006, bulk sales of one hundred gallons or more of gasoline made to farmers and delivered by the ultimate vender to a farm location for agricultural purposes only. As used in this section, the term “farmer” shall mean any person engaged in farming in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010, RSMo. At the discretion of the ultimate vender, the refund may be claimed by the ultimate vender on behalf of the consumer for sales made to farmers and to persons engaged in construction for agricultural purposes as defined in section 142.800. After December 31, 2000, the refund may be claimed only by the consumer and may not be claimed by the ultimate vender unless bulk sales of gasoline are made to a farmer after January 1, 2006, as provided in this subdivision and the farmer provides an exemption certificate to the ultimate vender, in which case the ultimate vender may make a claim for refund under section 142.824 but shall be liable for any erroneous refund;

(2) Kerosene sold for use as fuel to generate power in aircraft engines, whether in aircraft or for training, testing or research purposes of aircraft engines;

(3) Diesel fuel used as heating oil, or in railroad locomotives or any other motorized flanged-wheel rail equipment, or used for other nonhighway purposes other than as expressly exempted pursuant to another

provision.

2. Subject to the procedural requirements and conditions set out in this chapter, the following uses are exempt from the tax imposed by section 142.803 on motor fuel, and a deduction or a refund may be claimed:

(1) Motor fuel for which proof of export is available in the form of a terminal-issued destination state shipping paper and which is either:

(a) Exported by a supplier who is licensed in the destination state or through the bulk transfer system;

(b) Removed by a licensed distributor for immediate export to a state for which all the applicable taxes and fees (however nominated in that state) of the destination state have been paid to the supplier, as a trustee, who is licensed to remit tax to the destination state; or which is destined for use within the destination state by the federal government for which an exemption has been made available by the destination state subject to procedural rules and regulations promulgated by the director; or

(c) Acquired by a licensed distributor and which the tax imposed by this chapter has previously been paid or accrued either as a result of being stored outside of the bulk transfer system immediately prior to loading or as a diversion across state boundaries properly reported in conformity with this chapter and was subsequently exported from this state on behalf of the distributor;

The exemption pursuant to paragraph (a) of this subdivision shall be claimed by a deduction on the report of the supplier which is otherwise responsible for remitting the tax upon removal of the product from a terminal or refinery in this state. The exemption pursuant to paragraphs (b) and (c) of this subdivision shall be claimed by the distributor, upon a refund application made to the director within three years. A refund claim may be made monthly or whenever the claim exceeds one thousand dollars;

(2) Undyed K-1 kerosene sold at retail through dispensers which have been designed and constructed to prevent delivery directly from the dispenser into a vehicle fuel supply tank, and undyed K-1 kerosene sold at retail through nonbarricaded dispensers in quantities of not more than twenty-one gallons for use other than for highway purposes. Exempt use of undyed kerosene shall be governed by rules and regulations of the director. If no rules or regulations are promulgated by the director, then the exempt use of undyed kerosene shall be governed by rules and regulations of the Internal Revenue Service. A distributor or supplier delivering to a retail facility shall obtain an exemption certificate from the owner or operator of such facility stating that its sales conform to the dispenser requirements of this subdivision. A licensed distributor, having obtained such certificate, may provide a copy to his or her supplier and obtain undyed kerosene without the tax levied by section 142.803. Having obtained such certificate in good faith, such supplier shall be relieved of any responsibility if the fuel is later used in a taxable manner. An ultimate vendor who obtained undyed kerosene upon which the tax levied by section 142.803 had been paid and makes sales qualifying pursuant to this subsection may apply for a refund of the tax pursuant to application, as provided in section 142.818, to the director provided the ultimate vendor did not charge such tax to the consumer;

(3) Motor fuel sold to the United States or any agency or instrumentality thereof. This exemption shall be claimed as provided in section 142.818;

(4) Motor fuel used solely and exclusively as fuel to propel school buses, as such term is defined under subdivision (19) of section 302.010, RSMo, on the public roads and highways of this state when leased or owned and when being operated by a public school district of this state, or leased or owned

by a person under contract with such district for the provision of bus services for educational purposes. The exemption for use under this subdivision shall be made available to the school district for whose educational purposes the fuel is consumed, whether the fuel was purchased by such school district or by another under a contract to provide bus service for such school district, upon a refund application stating that the motor fuel was purchased for the exclusive use of the school districts.

(5) Motor fuel used solely and exclusively as fuel to propel motor vehicles on the public roads and highways of this state when leased or owned and when being operated by a federally recognized Indian tribe in the performance of essential governmental functions, such as providing police, fire, health or water services. The exemption for use pursuant to this subdivision shall be made available to the tribal government upon a refund application stating that the motor fuel was purchased for the exclusive use of the tribe in performing named essential governmental services;

[(5)] (6) Motor fuel sold within an Indian reservation or within Indian country by a federally recognized Indian tribe to a member of that tribe and used in motor vehicles owned by a member of the tribe within Indian country. This exemption does not apply to sales within an Indian reservation or within Indian country by a federally recognized Indian tribe to non-Indian consumers or to Indian consumers who are not members of the tribe selling the motor fuel. This exemption shall be administered as provided in section 142.821;

[(6)] (7) That portion of motor fuel used to operate equipment attached to a motor vehicle, if the motor fuel was placed into the fuel supply tank of a motor vehicle that has a common fuel reservoir for travel on a highway and for the operation of equipment, or if the motor fuel was placed in a separate fuel tank and used only for the operation of auxiliary equipment. The exemption for use pursuant to this subdivision shall be claimed by a refund claim filed by the consumer who shall provide evidence of an allocation of use satisfactory to the director;

[(7)] (8) Motor fuel acquired by a consumer out-of-state and carried into this state, retained within and consumed from the same vehicle fuel supply tank within which it was imported, except interstate motor fuel users;

[(8)] (9) Motor fuel which was purchased tax-paid and which was lost or destroyed as a direct result of a sudden and unexpected casualty or which had been accidentally contaminated so as to be unsalable as highway fuel as shown by proper documentation as required by the director. The exemption pursuant to this subdivision shall be refunded to the person or entity owning the motor fuel at the time of the contamination or loss. Such person shall notify the director in writing of such event and the amount of motor fuel lost or contaminated within ten days from the date of discovery of such loss or contamination, and within thirty days after such notice, shall file an affidavit sworn to by the person having immediate custody of such motor fuel at the time of the loss or contamination, setting forth in full the circumstances and the amount of the loss or contamination and such other information with respect thereto as the director may require;

[(9)] (10) Dyed diesel fuel or dyed kerosene used for an exempt purpose. This exemption shall be claimed as follows:

(a) A supplier or importer shall take a deduction against motor fuel tax owed on their monthly report for those gallons of dyed diesel fuel or dyed kerosene imported or removed from a terminal or refinery destined for delivery to a point in this state as shown on the shipping papers;

(b) This exemption shall be claimed by a deduction on the report of the supplier which is otherwise responsible for remitting the tax on removal of the product from a terminal or refinery in this state;

(c) This exemption shall be claimed by the distributor, upon a refund application made to the director within three years. A refund claim may be made monthly or whenever the claim exceeds one thousand dollars.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Rupp assumed the Chair.

Senator Clemens raised the point of order that **SA 6** is out of order as it goes beyond the scope of the bill.

The point of order was referred to Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, who ruled it not well taken.

SA 6 was again taken up.

Senator Callahan moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Coleman, Green, Justus and McKenna.

SA 6 was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman	Crowell	Days	Engler	Goodman
Graham	Green	Justus	Koster	Purgason	Ridgeway	Shoemyer	Smith
Wilson—17							

NAYS—Senators

Bartle	Champion	Clemens	Griesheimer	Lager	Loudon	Mayer	McKenna
Nodler	Rupp	Scott	Shields	Stouffer	Vogel—14		

Absent—Senator Dempsey—1

Absent with leave—Senators

Gibbons	Kennedy—2
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Vacancies—None

Senator Callahan offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 51, Section 348.505, Line 8 of said page, by inserting immediately after said line the following:

“Section 1. Other provisions of law to the contrary notwithstanding, all tax credits now or hereafter authorized under the laws of this state shall automatically sunset August 28, 2011.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Mayer assumed the Chair.

Senator Clemens offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 6, Section 135.710, Line 19 of said page, by inserting after all of said line the following:

“except that, if no qualified Missouri contractor is located within seventy-five miles of the property, the requirement that fifty-one percent of the costs shall be paid to qualified Missouri contractors shall not apply;”.

Senator Clemens moved that the above amendment be adopted, which motion failed.

Senator Green offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 5, Section 135.633, Line 6, by inserting immediately after all of said line the following:

“10. A determination by either the department of agriculture or the department of natural resources that a taxpayer has ceased to utilize odor abatement technologies and best management practices for which such taxpayer was issued tax credits under this section shall result in the forfeiture of such taxpayer's tax credits for the taxable year in which such determination is made and all future years. To the extent a taxpayer has claimed tax credits under this section in a taxable year in which such a determination is made, such taxpayer shall make payment to the state in a dollar amount equal to the tax credits claimed.”; and

Further renumber the remaining subsection accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 21, Section 143.114, Line 9, by inserting immediately after the word “amended” the following: **“, and assembled in the United States of America”.**

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Clemens offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 5, Section 135.633, Line 7 of said page, by striking “12.” and inserting in lieu thereof the following: **“10.”**; and

Further amend said bill, Page 37, Section 263.232, Line 7 of said page, by inserting immediately before the word “Environmental” the following: **“United States”**; and further amend line 9 of said page, by inserting immediately after the word “instructions” the following: **“when chemical herbicides are used for such purpose”**; and further amend line 12 of said page, by inserting immediately before the word “Environmental” the following: **“United States”**; and further amend line 14 of said page, by inserting

immediately after the word “instructions” the following: “**when chemical herbicides are used for such purpose**”.

Senator Clemens moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 1, Section A, Line 8, by inserting after all of said line the following:

“32.057. 1. Except as otherwise specifically provided by law, it shall be unlawful for the director of revenue, any officer, employee, agent or deputy or former director, officer, employee, agent or deputy of the department of revenue, any person engaged or retained by the department of revenue on an independent contract basis, any person to whom authorized or unauthorized disclosure is made by the department of revenue, or any person who lawfully or unlawfully inspects any report or return filed with the department of revenue or to whom a copy, an abstract or a portion of any report or return is furnished by the department of revenue to make known in any manner, to permit the inspection or use of or to divulge to anyone any information relative to any such report or return, any information obtained by an investigation conducted by the department in the discharge of official duty, or any information received by the director in cooperation with the United States or other states in the enforcement of the revenue laws of this state. Such confidential information is limited to information received by the department in connection with the administration of the tax laws of this state.

2. Nothing in this section shall be construed to prohibit:

(1) The disclosure of information, returns, reports, or facts shown thereby, as described in subsection 1 of this section, by any officer, clerk or other employee of the department of revenue charged with the custody of such information:

(a) To a taxpayer or the taxpayer's duly authorized representative under regulations which the director of revenue may prescribe;

(b) In any action or proceeding, civil, criminal or mixed, brought to enforce the revenue laws of this state;

(c) To the state auditor or the auditor's duly authorized employees as required by subsection 4 of this section;

(d) To any city officer designated by ordinance of a city within this state to collect a city earnings tax, upon written request of such officer, which request states that the request is made for the purpose of determining or enforcing compliance with such city earnings tax ordinance and provided that such information disclosed shall be limited to that sufficient to identify the taxpayer, and further provided that in no event shall any information be disclosed that will result in the department of revenue being denied such information by the United States or any other state. The city officer requesting the identity of taxpayers filing state returns but not paying city earnings tax shall furnish to the director of revenue a list of taxpayers paying such earnings tax, and the director shall compare the list submitted with the director's records and return to such city official the name and address of any taxpayer who is a resident of such city who has filed a state tax return but who does not appear on the list furnished by such city. The director of revenue may set a fee to reimburse the department for the costs reasonably incurred in providing this information;

(e) To any employee of any county or other political subdivision imposing a sales tax which is administered by the state department of revenue whose office is authorized by the governing body of the county or other political subdivision to receive any and all records of the state director of revenue pertaining to the administration, collection and enforcement of its sales tax. The request for sales tax records and reports shall include a description of the type of report requested, the media form including electronic transfer, computer tape or disk, or printed form, and the frequency desired. The request shall be made by annual written application and shall be filed with the director of revenue. The director of revenue may set a fee to reimburse the department for the costs reasonably incurred in providing this information. Such city or county or any employee thereof shall be subject to the same standards for confidentiality as required for the department of revenue in using the information contained in the reports;

(f) To the director of the department of economic development or the director's duly authorized employees in discharging the director's official duties to certify taxpayers eligibility to claim state tax credits as prescribed by statutes;

(g) To any employee of any political subdivision, such records of the director of revenue pertaining to the administration, collection and enforcement of the tax imposed in chapter 149, RSMo, as are necessary for ensuring compliance with any cigarette or tobacco tax imposed by such political subdivision. The request for such records shall be made in writing to the director of revenue, and shall include a description of the type of information requested and the desired frequency. The director of revenue may charge a fee to reimburse the department for costs reasonably incurred in providing such information;

(2) The publication by the director of revenue or of the state auditor in the audit reports relating to the department of revenue of:

(a) Statistics, statements or explanations so classified as to prevent the identification of any taxpayer or of any particular reports or returns and the items thereof;

(b) The names and addresses without any additional information of persons who filed returns and of persons whose tax refund checks have been returned undelivered by the United States Post Office;

(3) The director of revenue from permitting the Secretary of the Treasury of the United States or the Secretary's delegates, the proper officer of any state of the United States imposing a tax equivalent to any of the taxes administered by the department of revenue of the state of Missouri or the appropriate representative of the multistate tax commission to inspect any return or report required by the respective tax provision of this state, or may furnish to such officer an abstract of the return or report or supply the officer with information contained in the return or disclosed by the report of any authorized investigation. Such permission, however, shall be granted on condition that the corresponding revenue statute of the United States or of such other state, as the case may be, grants substantially similar privileges to the director of revenue and on further condition that such corresponding statute gives confidential status to the material with which it is concerned;

(4) The disclosure of information, returns, reports, or facts shown thereby, by any person on behalf of the director of revenue, in any action or proceeding to which the director is a party or on behalf of any party to any action or proceeding pursuant to the revenue laws of this state when such information is directly involved in the action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of such information as is pertinent to the action or proceeding and no more;

(5) The disclosure of information, returns, reports, or facts shown thereby, by any person to a state or

federal prosecuting official, including, but not limited to, the state and federal attorneys general, or the official's designees involved in any criminal, quasi-criminal, or civil investigation, action or proceeding pursuant to the laws of this state or of the United States when such information is pertinent to an investigation, action or proceeding involving the administration of the revenue laws or duties of public office or employment connected therewith;

(6) Any school district from obtaining the aggregate amount of the financial institution tax paid pursuant to chapter 148, RSMo, by financial institutions located partially or exclusively within the school district's boundaries, provided that the school district request such disclosure in writing to the department of revenue;

(7) The disclosure of records which identify all companies licensed by this state pursuant to the provisions of subsections 1 and 2 of section 149.035, RSMo. The director of revenue may charge a fee to reimburse the department for the costs reasonably incurred in providing such records;

(8) The disclosure to the commissioner of administration pursuant to section 34.040, RSMo, of a list of vendors and their affiliates who meet the conditions of section 144.635, RSMo, but refuse to collect the use tax levied pursuant to chapter 144, RSMo, on their sales delivered to this state;

(9) The disclosure to the public of any information, returns, reports, or facts shown thereby regarding the claiming of a state tax credit by a member of the Missouri general assembly.

3. Any person violating any provision of subsection 1 or 2 of this section shall, upon conviction, be guilty of a class D felony.

4. The state auditor or the auditor's duly authorized employees who have taken the oath of confidentiality required by section 29.070, RSMo, shall have the right to inspect any report or return filed with the department of revenue if such inspection is related to and for the purpose of auditing the department of revenue; except that, the state auditor or the auditor's duly authorized employees shall have no greater right of access to, use and publication of information, audit and related activities with respect to income tax information obtained by the department of revenue pursuant to chapter 143, RSMo, or federal statute than specifically exists pursuant to the laws of the United States and of the income tax laws of the state of Missouri.

105.485. 1. Each financial interest statement required by sections 105.483 to 105.492 shall be on a form prescribed by the commission and shall be signed and verified by a written declaration that it is made under penalties of perjury; provided, however, the form shall not seek information which is not specifically required by sections 105.483 to 105.492.

2. Each person required to file a financial interest statement pursuant to subdivisions (1) to (12) of section 105.483 shall file the following information for himself, his spouse and dependent children at any time during the period covered by the statement, whether singularly or collectively; provided, however, that said person, if he does not know and his spouse will not divulge any information required to be reported by this section concerning the financial interest of his spouse, shall state on his financial interest statement that he has disclosed that information known to him and that his spouse has refused or failed to provide other information upon his bona fide request, and such statement shall be deemed to satisfy the requirements of this section for such financial interest of his spouse; and provided further if the spouse of any person required to file a financial interest statement is also required by section 105.483 to file a financial interest statement, the financial interest statement filed by each need not disclose the financial interest of the other,

provided that each financial interest statement shall state that the spouse of the person has filed a separate financial interest statement and the name under which the statement was filed:

(1) The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;

(2) The name and address of each sole proprietorship which he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partners' units; and the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

(3) The name and address of any other source not reported pursuant to subdivisions (1) and (2) and subdivisions (4) to (9) of this subsection from which such person received one thousand dollars or more of income during the year covered by the statement, including, but not limited to, any income otherwise required to be reported on any tax return such person is required by law to file; except that only the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system need be reported pursuant to this subdivision;

(4) The location by county, the subclassification for property tax assessment purposes, the approximate size and a description of the major improvements and use for each parcel of real property in the state, other than the individual's personal residence, having a fair market value of ten thousand dollars or more in which such person held a vested interest including a leasehold for a term of ten years or longer, and, if the property was transferred during the year covered by the statement, the name and address of the persons furnishing or receiving consideration for such transfer;

(5) The name and address of each entity in which such person owned stock, bonds or other equity interest with a value in excess of ten thousand dollars; except that, if the entity is a corporation listed on a regulated stock exchange, only the name of the corporation need be listed; and provided that any member of any board or commission of the state or any political subdivision who does not receive any compensation for his services to the state or political subdivision other than reimbursement for his actual expenses or a per diem allowance as prescribed by law for each day of such service need not report interests in publicly traded corporations or limited partnerships which are listed on a regulated stock exchange or automated quotation system pursuant to this subdivision; and provided further that the provisions of this subdivision shall not require reporting of any interest in any qualified plan or annuity pursuant to the Employees' Retirement Income Security Act;

(6) The name and address of each corporation for which such person served in the capacity of a director, officer or receiver;

(7) The name and address of each not-for-profit corporation and each association, organization, or union, whether incorporated or not, except not-for-profit corporations formed to provide church services, fraternal organizations or service clubs from which the officer or employee draws no remuneration, in which such person was an officer, director, employee or trustee at any time during the year covered by the statement, and for each such organization, a general description of the nature and purpose of the

organization;

(8) The name and address of each source from which such person received a gift or gifts, or honorarium or honoraria in excess of two hundred dollars in value per source during the year covered by the statement other than gifts from persons within the third degree of consanguinity or affinity of the person filing the financial interest statement. For the purposes of this section, a “gift” shall not be construed to mean political contributions otherwise required to be reported by law or hospitality such as food, beverages or admissions to social, art, or sporting events or the like, or informational material. For the purposes of this section, a “gift” shall include gifts to or by creditors of the individual for the purpose of canceling, reducing or otherwise forgiving the indebtedness of the individual to that creditor;

(9) The lodging and travel expenses provided by any third person for expenses incurred outside the state of Missouri whether by gift or in relation to the duties of office of such official, except that such statement shall not include travel or lodging expenses:

(a) Paid in the ordinary course of business for businesses described in subdivisions (1), (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

(b) For which the official may be reimbursed as provided by law; or

(c) Paid by persons related by the third degree of consanguinity or affinity to the person filing the statement; or

(d) Expenses which are reported by the campaign committee or candidate committee of the person filing the statement pursuant to the provisions of chapter 130, RSMo; or

(e) Paid for purely personal purposes which are not related to the person's official duties by a third person who is not a lobbyist, a lobbyist principal or member, or officer or director of a member, of any association or entity which employs a lobbyist. The statement shall include the name and address of such person who paid the expenses, the date such expenses were incurred, the amount incurred, the location of the travel and lodging, and the nature of the services rendered or reason for the expenses;

(10) The assets in any revocable trust of which the individual is the settlor if such assets would otherwise be required to be reported under this section;

(11) The name, position and relationship of any relative within the first degree of consanguinity or affinity to any other person who:

(a) Is employed by the state of Missouri, by a political subdivision of the state or special district, as defined in section 115.013, RSMo, of the state of Missouri;

(b) Is a lobbyist; or

(c) Is a fee agent of the department of revenue;

(12) The name and address of each campaign committee, political committee, candidate committee, or continuing committee for which such person or any corporation listed on such person's financial interest statement received payment; **and**

(13) For members of the general assembly, their spouses, and their dependent children, whether any state tax credits were claimed on the member's, spouse's, or dependent child's most recent state income tax return.

3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this section, an individual shall be deemed to have received a salary from his employer or income from any source at the time when he shall receive a negotiable instrument whether or not payable at a later date and at the time when under the practice of his employer or the terms of an agreement, he has earned or is entitled to anything of actual value whether or not delivery of the value is deferred or right to it has vested. The term "income" as used in this section shall have the same meaning as provided in the Internal Revenue Code of 1986, and amendments thereto, as the same may be or becomes effective, at any time or from time to time for the taxable year, provided that income shall not be considered received or earned for purposes of this section from a partnership or sole proprietorship until such income is converted from business to personal use.

4. Each official, officer or employee or candidate of any political subdivision described in subdivision (11) of section 105.483 shall be required to file a financial interest statement as required by subsection 2 of this section, unless the political subdivision biennially adopts an ordinance, order or resolution at an open meeting by September fifteenth of the preceding year, which establishes and makes public its own method of disclosing potential conflicts of interest and substantial interests and therefore excludes the political subdivision or district and its officers and employees from the requirements of subsection 2 of this section. A certified copy of the ordinance, order or resolution shall be sent to the commission within ten days of its adoption. The commission shall assist any political subdivision in developing forms to complete the requirements of this subsection. The ordinance, order or resolution shall contain, at a minimum, the following requirements with respect to disclosure of substantial interests:

(1) Disclosure in writing of the following described transactions, if any such transactions were engaged in during the calendar year:

(a) For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision;

(b) The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision;

(2) The chief administrative officer and chief purchasing officer of such political subdivision shall disclose in writing the information described in subdivisions (1), (2) and (6) of subsection 2 of this section;

(3) Disclosure of such other financial interests applicable to officials, officers and employees of the political subdivision, as may be required by the ordinance or resolution;

(4) Duplicate disclosure reports made pursuant to this subsection shall be filed with the commission and the governing body of the political subdivision. The clerk of such governing body shall maintain such disclosure reports available for public inspection and copying during normal business hours."; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted.

Senator Engler offered **SA 1** to **SA 12**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 12

Amend Senate Amendment No. 12 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 6, Section 32.057, Line 11, by striking the words “returns, reports,”; and further amend line 13 by inserting after the word “assembly” the following: “**or any state-wide elected public official**”; and

Further amend said amendment page 12, section 105.485, line 1, by inserting after the word “assembly” the following: “**or any state-wide elected public official**”.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

SA 12, as amended, was again taken up.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 26, Section 144.065, Line 13, by inserting after all of said line the following:

“231.444. 1. In addition to other levies authorized by law, the governing body of any county of the third classification without a township form of government having a population in excess of four thousand two hundred and less than six thousand according to the most recent decennial census or any county of the third classification without a township form of government and with more than two thousand three hundred but fewer than two thousand four hundred inhabitants may by ordinance levy and impose a tax pursuant to this section which shall not exceed the rate of [twenty-five cents] **one dollar** on each acre of real property in the county which is classified as agricultural and horticultural property pursuant to section 137.016, RSMo.

2. The proceeds of the tax authorized pursuant to this section shall be collected by the county collector and remitted to the county treasurer who shall deposit such proceeds in a special fund to be known as the “Special Road Rock Fund”. All moneys in the special road rock fund shall be appropriated by the county governing body for the sole purpose of purchasing road rock to be placed on county roads within the boundaries of the county.

3. The ordinance levying and imposing a tax pursuant to subsection 1 of this section shall not be effective unless the county governing body submits to the qualified voters of the county a proposal to authorize the county governing body to levy and impose the tax at an election permitted pursuant to section 115.123, RSMo. The ballot of submission proposing the tax shall be in substantially the following form:

Shall the county of (county's name) be authorized to levy and impose a tax on all real property in the county which is classified as agricultural or horticultural property at a rate not to exceed (rate of tax) [cents] per acre with all the proceeds of the tax to be placed in the “Special Road Rock Fund” and used solely for the purpose of purchasing road rock to be placed on county roads within the boundaries of the county?

☐ YES

☐ NO

4. If a majority of the qualified voters of the county voting on the proposal vote “YES”, then the governing body of the county may by ordinance levy and impose the tax authorized by this section in an amount not to exceed the rate proposed in the ballot of submission. If a majority of the qualified voters of the county voting on the proposal vote “NO”, then the governing body of the county shall not levy and impose such tax. Nothing in this section shall prohibit a rejected proposal from being resubmitted to the qualified voters of the county at an election permitted pursuant to section 115.123, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted.

Senator Lager offered **SA 1** to **SA 13**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 13

Amend Senate Amendment No. 13 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 1, Section 231.444, Lines 5-6, by striking the words “in excess of four thousand two hundred and less than six thousand” and inserting in lieu thereof the following: “**of less than six thousand inhabitants**”.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Goodman assumed the Chair.

SA 13, as amended, was again taken up.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 16, Section 135.805, Line 7, by inserting immediately after all of said line the following:

“13. Notwithstanding provisions of law to the contrary, every agency of this state charged with administering a tax credit program authorized under the laws of this state shall make available for public inspection the name of each tax credit recipient and the amount of tax credits issued to each such recipient.”.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Koster offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 51, Section 348.505, Line 8, by inserting immediately after all of said line the following:

“Section 1. 1. As used in this section, the following terms mean:

(1) “Department”, the department of revenue;

(2) “Qualifying motor vehicle”, any new motor vehicle, as defined in section 301.010, RSMo,

which is assembled and sold in this state;

(3) “State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, and 153, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;

(4) “Taxpayer”, a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. For all tax years beginning on or after January 1, 2008, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to one hundred percent of the amount such taxpayer paid in state and local sales tax on the purchase of a qualified motor vehicle.

3. To the extent the tax credit issued under this section exceeds a taxpayer's state tax liability, such excess shall constitute an overpayment of tax and shall be refunded to such taxpayer.

4. The cumulative amount of tax credits which may be issued under this section in any one fiscal year shall not exceed eight million five hundred thousand dollars. If the amount of tax credits claimed under this section exceeds eight million five hundred thousand dollars in any one fiscal year, the director of the department of revenue shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all taxpayers allowed a tax credit under this section. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

5. Not less than one hundred and twenty days from the effective date of this act, the department shall promulgate rules necessary for the implementation of the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

6. The provisions of this section shall automatically sunset six years from the effective date of this act, unless reauthorized.”; and

Further amend the title and enacting clause accordingly.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Clemens moved that **SS** for **SCS** for **SB 898**, as amended, be adopted, which motion prevailed.

On motion of Senator Clemens, **SS** for **SCS** for **SB 898**, as amended, was declared perfected and ordered printed.

CONCURRENT RESOLUTIONS

Senator Green offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 36

WHEREAS, the U.S. Air Force announced one of the largest military acquisition programs in U.S. history, saying the service had chosen Northrop Grumman over Boeing to replace its aging air refueling tanker fleet; and

WHEREAS, members of the Missouri General Assembly are shocked that the United States Air Force selected a European company and its foreign workers to provide a tanker to our American military; and

WHEREAS, at a time when the U.S. economy is hurting, this decision to outsource U.S. tankers is a blow to the American aerospace industry, American workers and America's military; and

WHEREAS, Boeing has 75 years of experience building tankers, and its workers are the best in the world; and

WHEREAS, it's stunning that the U.S. Air Force would outsource the production of these airplanes to Europe instead of building them in America; and

WHEREAS, Missouri workers rely on a thriving U.S. aerospace industry; and

WHEREAS, awarding the contract to Boeing, and not Airbus, would have created more than 44,000 jobs in Washington, Kansas, and other states; and

WHEREAS, this decision was about whether U.S. workers or European workers will produce the aircraft used as tankers for the U.S. Air Force for decades in the future; and

WHEREAS, the Boeing tanker takes advantage of 50 years of aerial refueling technology experience; and

WHEREAS, the KC-767 Advance Tanker is the best aircraft for the job. It makes sense for U.S. military aircraft programs, which are funded by American taxpayer dollars, to be designed and built by American companies that provide jobs to U.S. citizens; and

WHEREAS, approving the Boeing KC-767 Advanced Tanker would have given our men and women in the U.S. Air Force the best product, with the most advanced technology, available today; and

WHEREAS, Missouri is home to Boeing Integrated Defense Systems team, Phantom Works, Boeing's advanced research and development unit, and Boeing's Shared Services Group:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby condemn the actions of the United States Air Force in outsourcing jobs by failing to award the contract to replace the refueling tanker fleet to an American company; and

BE IT FURTHER RESOLVED that the General Assembly calls upon the members of the Missouri congressional delegation to ask tough questions to the U.S. Air Force regarding how it reached this decision, including the selection process used to make this decision; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution to each member of the Missouri congressional delegation and the Secretary of the Air Force.

REFERRALS

In the absence of President Pro Tem Gibbons and without objection, Senator Shields referred **SS** for **SCS** for **SB 726** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Shields, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Engler.

SENATE BILLS FOR PERFECTION

At the request of Senator Stouffer, **SB 939**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Mayer, **SB 1046** was placed on the Informal Calendar.

At the request of Senator Days, **SB 1116** was placed on the Informal Calendar.

SB 1035, with **SCS**, was placed on the Informal Calendar.

SB 817 was placed on the Informal Calendar.

SB 874, with **SCS**, was placed on the Informal Calendar.

SB 881 was placed on the Informal Calendar.

Senator Mayer moved that **SB 967**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 967**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 967**

An Act to repeal section 173.387, RSMo, and to enact in lieu thereof one new section relating to federally guaranteed student loans, with an emergency clause.

Was taken up.

Senator Mayer moved that **SCS** for **SB 967** be adopted.

At the request of Senator Mayer, **SB 967**, with **SCS** (pending), was placed on the Informal Calendar.

SB 713, with **SCS**, was placed on the Informal Calendar.

SB 1093 was placed on the Informal Calendar.

SB 811, with **SCS**, was placed on the Informal Calendar.

SB 957 was placed on the Informal Calendar.

SB 990 was placed on the Informal Calendar.

SB 1103 was placed on the Informal Calendar.

SB 915 was placed on the Informal Calendar.

SB 982, **SB 834** and **SB 819**, with **SCS**, were placed on the Informal Calendar.

SB 767, with **SCS**, was placed on the Informal Calendar.

SB 815 was placed on the Informal Calendar.

SB 716 was placed on the Informal Calendar.

Senator Scott assumed the Chair.

Senator Engler moved that **SB 1059**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1059**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1059

An Act to repeal sections 339.100, 339.532, 339.549, 443.809, 443.810, and 443.891, RSMo, and to enact in lieu thereof ten new sections relating to mortgage fraud, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS** for **SB 1059** be adopted.

Senator Engler offered **SS** for **SCS** for **SB 1059**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1059

An Act to repeal sections 339.100, 339.532, 443.809, 443.810, and 443.891, RSMo, and to enact in lieu thereof nine new sections relating to mortgage fraud, with penalty provisions.

Senator Engler moved that **SS** for **SCS** for **SB 1059** be adopted.

Senator Stouffer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 18, Section 443.891, Line 15, by inserting after all of said line the following:

“443.903. Notwithstanding any other provisions of law to the contrary, reverse mortgage loans shall be governed by the following:

- (1) Payment in whole or in part is permitted without penalty at any time during the period of the loan;
- (2) An advance made under a reverse mortgage and interest on the advances have priority over a lien filed after the closing of a reverse mortgage loan;
- (3) A reverse mortgage loan may provide for an interest rate which is fixed or adjustable and may also provide for interest that is contingent on appreciation in the value of the property;
- (4) If a reverse mortgage loan provides for periodic advances to a borrower, the advances may not be reduced in amount or number based on an adjustment in the interest rate;
- (5) Lenders failing to make loan advances as required in the loan agreement and failing to cure the default as required in the loan agreement shall forfeit an amount equal to the greater of two hundred dollars or one percent of the amount of the loan advance the lender failed to make;
- (6) The repayment requirement is also expressly subject to the following additional conditions:
 - (a) Temporary absences from the home not to exceed sixty consecutive days do not cause the mortgage to become due and payable;
 - (b) Temporary absences from the home exceeding sixty consecutive days, but less than six months, do not cause the mortgage to become due and payable so long as the borrower has taken prior action which secures the home in a satisfactory manner;
 - (c) The lender's right to collect reverse mortgage loan proceeds is subject to the applicable statute of

limitations for loan contracts. Notwithstanding the applicable statute of limitations for loan contracts, the statute of limitations commences on the date that the mortgage becomes due and payable;

(d) The lender must prominently disclose any interest or other fees to be charged during the period that commences on the date that the mortgage becomes due and payable and ends when repayment in full is made;

(7) The following fees and charges may be charged to the borrower, and financed by the lender, in connection with a reverse mortgage loan, except for loans insured or guaranteed by agencies of the federal government in which case federal law or regulation shall apply:

(a) A nonrefundable origination fee not to exceed two percent of the principal;

(b) Fees and charges prescribed by law actually and necessarily paid to public officials for perfecting, releasing or satisfying a security interest related to the reverse mortgage loan;

(c) Recording taxes to perfect documents;

(d) Bona fide closing costs paid to third parties, which shall include:

a. Fees or premiums for title examination, title insurance or similar purposes, including surveys;

b. Fees for preparation of a deed, settlement statement or other documents;

c. Fees for notarizing deeds and other documents;

d. Appraisal fees; and

e. Fees for credit reports;

(e) A charge for insurance against loss of, or damage to, property where no such coverage already exists;

(f) Fixed monthly servicing fees, repair administration fees and payment plan change fees;

(8) As a convenience to the borrower, reverse mortgage loan applications may be taken by the lender over the telephone or at the borrower's home and reverse mortgage loans may be closed by mail or at a title company's office;

(9) Proceeds from a reverse mortgage loan shall not be used to purchase deferred annuities.

443.915. All reverse mortgage counseling programs shall include a set of inquiries to determine whether the loan is suitable for the particular borrower and shall allow the lender to disapprove a loan if appropriate. Counselors may inquire about the intended use of the proceeds of the loan and suggest alternatives to a reverse mortgage loan. The division of finance shall have the authority to promulgate rules relating to suitability and counseling programs. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted.

Senator Griesheimer assumed the Chair.

Senator Engler offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 3, Section 443.915, Lines 24-25, by striking the words “and shall allow the lender to disapprove a loan if appropriate”.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Stouffer moved that the above amendment be adopted, which motion failed.

Senator Scott offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 19, Section 443.930, Line 11, by inserting after all of said line the following:

“3. This section shall not be construed to create a private right of action.”.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Engler moved that **SS** for **SCS** for **SB 1059**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SS** for **SCS** for **SB 1059**, as amended, was declared perfected and ordered printed.

Senator Days moved that **SB 1116** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Days, **SB 1116** was declared perfected and ordered printed.

Senator Engler moved that **SB 907**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 907**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 907

An Act to repeal sections 260.1003, 319.129, 319.131, and 319.133, RSMo, and to enact in lieu thereof six new sections relating to the regulation of motor fuel tanks.

Was taken up.

Senator Engler moved that **SCS** for **SB 907** be adopted.

Senator Engler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 907, Page 12, Section 319.136, Lines 55-58,

by striking all of said lines from the bill and inserting in lieu thereof the following:

“8. Notwithstanding the provisions of section 621.250, RSMo, to the contrary, when the department has affixed a red violation tag to make a noncompliant underground storage tank ineligible to receive petroleum, the owner or operator of that tank may, in addition to all administrative appeals and remedies, appeal the department's action to the circuit court in the county where the tank is located within ten business days of the department's action.”.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Purgason offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 907, Page 2, Section 319.129, Lines 3-4, by striking the following: “and shall be a body corporate and politic”; and further amend lines 5-6, by striking the following: “, shall not be credited to the state general revenue fund, and shall not be subject to transfer”.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 907, Page 10, Section 319.133, Lines 17-21, by striking said lines and inserting in lieu thereof the following:

“6. The board may require any new applicant, who has not previously held private insurance or other form of financial responsibility for the petroleum storage tank for which application to the fund is made, to conduct a site assessment before participating in the fund. The board also may require such new applicants to pay a surcharge per year per tank from the date the tank was eligible for coverage under the fund, provided that each year's surcharge shall not exceed the surcharge that was actually in effect for that particular year.”.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Engler moved that **SCS** for **SB 907**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SB 907**, as amended, was declared perfected and ordered printed.

Senator Shoemyer moved that **SB 822** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Shoemyer, **SB 822** was declared perfected and ordered printed.

On motion of Senator Shields, the Senate recessed until 5:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Callahan.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1108**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 1059**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Champion offered Senate Resolution No. 2079, regarding Candace Letterman, Springfield, which was adopted.

Senator Vogel offered Senate Resolution No. 2080, regarding Deborah Pohl, Jefferson City, which was adopted.

Senator Stouffer offered Senate Resolution No. 2081, regarding the One Hundred Fiftieth Anniversary of the city of Callao, Macon County, which was adopted.

Senator Stouffer offered Senate Resolution No. 2082, regarding Darryl Lamson, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Shoemyer introduced to the Senate, Paula Gough and her daughter, Emma, Shelbina.

Senator Shoemyer introduced to the Senate, the Physician of the Day, Dr. Richard Draper, D.O. and his wife, Sherry, Hannibal.

Senator Goodman introduced to the Senate, Mrs. Lennon and Maureen Kehl, Candace Salzman, Morgan Horn, David Davison, Angelica Makuch and Amoret Phillips, eighth grade gifted students from Branson Junior High School.

Senator Purgason introduced to the Senate, Brenda Bell and members of Excel Group, Howell County.

Senator Champion introduced to the Senate, Gina Wykoff and forty-five fifth grade students from Wings Center for the Gifted, Springfield.

On behalf of Senator Engler and himself, Senator McKenna introduced to the Senate, ninth grade students from Festus High School.

On behalf of Senator Wilson and herself, Senator Justus introduced to the Senate, Ms. Rosemary Brown, Ms. Patricia Davis, Ms. Alice Williams, Ms. Angela Watson, Ms. Leona Holt and thirty-seven students from the Kansas City school district.

Senator Vogel introduced to the Senate, Mayor Zainudin and members of a delegation from the Community Development Council, Singapore.

Senator Bray introduced to the Senate, Sandy Wacker and nineteen fourth grade students from Mark Twain Elementary School, Brentwood.

Senator Justus introduced to the Senate, Associate Professor Simon H. Friedman, Ph.D., University of Missouri, Kansas City.

On behalf of Senator Rupp and himself, Senator Dempsey introduced to the Senate, Denise Rager, St. Charles County; and Anne Klein, St. Charles.

Senator Goodman introduced to the Senate, seventh and eighth grade students from Kirbyville Middle School.

Senator Graham introduced to the Senate, Beth Winton and gifted students from Lange Middle School, Columbia.

On behalf of Senator Gibbons, Senator Rupp introduced to the Senate, eighty-eight fourth grade students from Tillman Elementary School, Kirkwood; and Grant Trokey, Meagan Stewart, Addie Gaither-Gamin and Donald Nelson were made honorary pages.

Senator Griesheimer introduced to the Senate, Battalion Commander Michael J. Smith, Jr., Eureka; and forty-seven Navy midshipmen and thirty-seven Marine midshipmen, members of NROTC Battalion, University of Missouri-Columbia.

Senator Griesheimer introduced to the Senate, his daughter, Michelle and his niece, Miranda Bolte, Washington.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SEVENTH DAY—THURSDAY, MARCH 13, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 1595 & 1668
HB 1371-Wilson (119), et al
HB 1678-Day, et al
HB 1384-Cox, et al

HCS for HB 1779
HCS for HB 1619
HB 1570-Franz
HB 1711-Weter, et al

THIRD READING OF SENATE BILLS

SCS for SBs 1034 & 802-Mayer
SCS for SB 732-Champion, et al
SS#2 for SCS for SBs 747 & 736-Ridgeway
SS for SCS for SB 944-Engler
(In Fiscal Oversight)

SCS for SB 759-Stouffer
SS for SCS for SB 726-Shields
(In Fiscal Oversight)
SS for SCS for SB 1059-Engler

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SBs 754 & 794-Mayer and Loudon

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS
 SB 713-Gibbons, with SCS
 SBs 714, 933, 899 & 758-Loudon and Gibbons,
 with SCS
 SB 716-Loudon, et al
 SB 717-Kennedy and Shields
 SB 729-Griesheimer, with SCS
 SB 749-Ridgeway, with SCS
 SB 756-Engler and Rupp, with SCS (pending)
 SBs 761 & 774-Stouffer, with SCS
 SB 764-Wilson, et al, with SA 2 (pending)
 SB 767-Goodman and Gibbons, with SCS
 SB 768-Rupp and Gibbons, with SCS
 SB 776-Justus and Koster, with SCS
 SB 809-Stouffer, with SCS
 SB 811-Stouffer, with SCS
 SB 815-Goodman
 SB 817-Goodman
 SB 821-Shoemyer, with SCS (pending)
 SBs 840 & 857-Engler, with SCS
 SB 846-Rupp, with SCS
 SB 865-Rupp and Gibbons, with SCS

SB 873-Graham, with SCS
 SB 874-Graham, with SCS
 SB 881-Green
 SBs 909, 954, 934 & 1003-Engler, with SCS
 SB 915-Ridgeway
 SB 929-Green and Callahan, with SCS
 SBs 930 & 947-Stouffer, with SCS
 SB 939-Stouffer, with SCS
 SB 957-Goodman
 SB 967-Mayer, with SCS (pending)
 SBs 982, 834 & 819-Purgason, with SCS
 SB 990-Champion
 SBs 993 & 770-Crowell, with SCS
 SB 996-Crowell, with SCS
 SB 997-Crowell
 SB 1007-Loudon
 SB 1035-Scott, with SCS
 SB 1046-Mayer
 SB 1058-Mayer
 SB 1093-Loudon, et al
 SB 1103-Gibbons
 SJRs 34 & 30-Crowell and Coleman, with SCS

CONSENT CALENDAR

Senate Bills

Reported 3/6

SB 790-Champion
 SB 1016-Mayer
 SB 863-Rupp
 SB 1073-Dempsey
 SB 805-Mayer
 SB 1044-Stouffer, with SCS

SB 1089-Justus, with SCS
 SB 1033-Griesheimer, with SCS
 SB 980-Ridgeway
 SB 1151-Barnitz
 SB 956-Kennedy
 SB 797-Bray

RESOLUTIONS

To be Referred

SCR 36-Green

✓

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SEVENTH DAY—THURSDAY, MARCH 13, 2008

The Senate met pursuant to adjournment.

Senator Rupp in the Chair.

Reverend Carl Gauck offered the following prayer:

“The world is new to us every morning—this is the Holy One’s gift and every person should believe he is reborn each day.” (*Baal Shem Tov*)

Creative God, we come to this new day in anticipation to all that it brings us and for which we are thankful. But this day also brings us to the end of our work week and the beginning of a time for re-creation. Let us use this time off to strengthen our bodies with rest and exercise, to strengthen our minds by reading and conversation and to strengthen our souls by hearing Your Word and celebrating the gift of new life. All this we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator Gibbons—1

Vacancies—None

RESOLUTIONS

Senator Days offered Senate Resolution No. 2083, regarding Jermel Higgins, St. Louis, which was adopted.

Senator Crowell offered Senate Resolution No. 2084, regarding Paul Hale, which was adopted.

Senator Shields offered Senate Resolution No. 2085, regarding Linda Dale, which was adopted.

Senator Shields offered Senate Resolution No. 2086, regarding Laura Moran, which was adopted.

Senator Shields offered Senate Resolution No. 2087, regarding Linda Utz, which was adopted.

Senator Shields offered Senate Resolution No. 2088, regarding Charisse Y. Sparks, MD, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 2089, regarding John P. Olson, MD, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 2090, regarding Scott A. Wade, MD, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 2091, regarding James J. McMillen, MD, St. Joseph, which was adopted.

Senator Green offered Senate Resolution No. 2092, regarding Greg Spinner, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, on behalf of Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Michael G. Nordwald, Republican, as a member of the Missouri Alternative Fuels Commission;

Also,

Martin J. Strussion, as a member of the Missouri Wine and Grape Board;

Also,

Richard R. Popp, as a member of the Missouri State Board of Accountancy;

Also,

S. Lee Kling, Democrat, as a member of the Missouri Development Finance Board.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 822**; **SS** for **SCS** for **SB 898**; **SCS** for **SB 907**; and **SB 1116**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators

are correct.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1105**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 979**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1150**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1140**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1141**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1175**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1177**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1190**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1187**, begs leave to report that it has considered the same and recommends that the bill do

pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1288**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1131**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1133**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1135**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1157**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1149**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1209**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which were referred **SB 1153**, **SB 1154**, **SB 1155** and **SB 1156**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1168**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 733**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 932**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 976**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1074**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1185**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1235**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 1278**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 1261**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 928**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Mayer, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 839**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which were referred **SB 1225** and **SB 1226**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Purgason, Chairman of the Committee on Health and Mental Health, submitted the following report:

Mr. President: Your Committee on Health and Mental Health, to which was referred **SB 1081**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 1099**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 1204**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **SCS** for **SB 944** and **SS** for **SCS** for **SB 726**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SCS for **SBs 754** and **794**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 754 and 794

An Act to repeal sections 650.055 and 650.056, RSMo, and to enact in lieu thereof two new sections relating to the DNA profiling system, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Mayer.

On motion of Senator Mayer, **SCS** for **SBs 754** and **794** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Dempsey
Engler	Goodman	Graham	Green	Griesheimer	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson—29			

NAYS—Senators

Bray Justus—2

Absent—Senators—None

Absent with leave—Senators

Days Gibbons Kennedy—3

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SBs 1034 and 802, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1034 and 802

An Act to repeal section 407.300, RSMo, and to enact in lieu thereof five new sections relating to scrap metal, with penalty provisions.

Was taken up by Senator Mayer.

On motion of Senator Mayer, **SCS for SBs 1034 and 802** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Dempsey	Engler	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Days Gibbons Kennedy—3

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 732, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 732

An Act to repeal sections 195.010, 195.017, and 195.417, RSMo, and to enact in lieu thereof eleven new sections relating to monitoring of drugs, with penalty provisions and an effective date.

Was taken up by Senator Champion.

On motion of Senator Champion, **SCS for SB 732** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Dempsey	Engler	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Days Gibbons Kennedy—3

Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS No. 2 for SCS for SBs 747 and 736, introduced by Senator Ridgeway, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 747 and 736

An Act to repeal sections 160.545, 311.310, 311.325, 577.021, 577.023, 577.500, and 578.255, RSMo, and to enact in lieu thereof seven new sections relating to abuse of alcohol, with penalty provisions.

Was taken up.

On motion of Senator Ridgeway, **SS No. 2 for SCS for SBs 747 and 736** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Dempsey	Engler	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Days	Gibbons	Kennedy—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 944**, introduced by Senator Engler, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 944

An Act to repeal section 108.250, RSMo, and to enact in lieu thereof one new section relating to state auditor compensation for bond registration, with an emergency clause.

Was taken up.

On motion of Senator Engler, **SS** for **SCS** for **SB 944** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Dempsey	Engler	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Days	Gibbons	Kennedy—3
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Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Dempsey	Engler	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Days	Gibbons	Kennedy—3
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Vacancies—None

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

At the request of Senator Stouffer, **SCS** for **SB 759** was placed on the Informal Calendar.

At the request of Senator Shields, **SS** for **SCS** for **SB 726** was placed on the Informal Calendar.

SS for **SCS** for **SB 1059**, introduced by Senator Engler, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1059

An Act to repeal sections 339.100, 339.532, 443.809, 443.810, and 443.891, RSMo, and to enact in lieu thereof nine new sections relating to mortgage fraud, with penalty provisions.

Was taken up.

On motion of Senator Engler, **SS** for **SCS** for **SB 1059** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Clemens	Coleman	Crowell	Dempsey	Engler
Goodman	Graham	Griesheimer	Justus	Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—28				

NAYS—Senators

Bartle	Green—2
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Absent—Senator Champion—1

Absent with leave—Senators

Days Gibbons Kennedy—3

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1410**, entitled:

An Act to repeal sections 84.480 and 84.510, RSMo, and to enact in lieu thereof two new sections relating to certain police officers' compensation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, the Physician of the Day, Dr. Gregory Terpstra, D.O. and Ashley Millom, Potosi.

Senator Ridgeway introduced to the Senate, Barbara and Leroy Shatto, Osborn.

Senator Stouffer introduced to the Senate, Coach Todd Dunn and members of the State 2A Champion Lawson High School Cardinals football team.

Senator Engler introduced to the Senate, Mrs. Kingsland, Mrs. Brewer and gifted students from De Soto Elementary and Junior High Schools.

Senator Champion introduced to the Senate, fourth grade students from Greenwood Lab School, Springfield.

Senator Crowell introduced to the Senate, students from St. Vincent DePaul, Cape Girardeau.

On motion of Senator Shields, the Senate adjourned until 1:00 p.m., Thursday, March 20, 2008.

SENATE CALENDAR

THIRTY-EIGHTH DAY—THURSDAY, MARCH 20, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 1595 & 1668
HB 1371-Wilson (119), et al
HB 1678-Day, et al
HB 1384-Cox, et al
HCS for HB 1779

HCS for HB 1619
HB 1570-Franz
HB 1711-Weter, et al
HB 1410-Flook, et al

THIRD READING OF SENATE BILLS

SB 822-Shoemyer
SS for SCS for SB 898-Clemens

SCS for SB 907-Engler and Gibbons
SB 1116-Days

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 726-Shields

SCS for SB 759-Stouffer

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS
SB 713-Gibbons, with SCS
SBs 714, 933, 899 & 758-Loudon and
Gibbons, with SCS
SB 716-Loudon, et al
SB 717-Kennedy and Shields
SB 729-Griesheimer, with SCS
SB 749-Ridgeway, with SCS
SB 756-Engler and Rupp, with SCS (pending)
SBs 761 & 774-Stouffer, with SCS
SB 764-Wilson, et al, with SA 2 (pending)
SB 767-Goodman and Gibbons, with SCS

SB 768-Rupp and Gibbons, with SCS
SB 776-Justus and Koster, with SCS
SB 809-Stouffer, with SCS
SB 811-Stouffer, with SCS
SB 815-Goodman
SB 817-Goodman
SB 821-Shoemyer, with SCS (pending)
SBs 840 & 857-Engler, with SCS
SB 846-Rupp, with SCS
SB 865-Rupp and Gibbons, with SCS
SB 873-Graham, with SCS
SB 874-Graham, with SCS

SB 881-Green
SBs 909, 954, 934 & 1003-Engler, with SCS
SB 915-Ridgeway
SB 929-Green and Callahan, with SCS
SBs 930 & 947-Stouffer, with SCS
SB 939-Stouffer, with SCS
SB 957-Goodman
SB 967-Mayer, with SCS (pending)
SBs 982, 834 & 819-Purgason, with SCS
SB 990-Champion

SBs 993 & 770-Crowell, with SCS
SB 996-Crowell, with SCS
SB 997-Crowell
SB 1007-Loudon
SB 1035-Scott, with SCS
SB 1046-Mayer
SB 1058-Mayer
SB 1093-Loudon, et al
SB 1103-Gibbons
SJR 34 & 30-Crowell and Coleman, with SCS

CONSENT CALENDAR

Senate Bills

Reported 3/6

SB 790-Champion
SB 1016-Mayer
SB 863-Rupp
SB 1073-Dempsey
SB 805-Mayer
SB 1044-Stouffer, with SCS

SB 1089-Justus, with SCS
SB 1033-Griesheimer, with SCS
SB 980-Ridgeway
SB 1151-Barnitz
SB 956-Kennedy
SB 797-Bray

Reported 3/13

SB 1105-Coleman, with SCS
SB 979-Vogel
SB 1150-Barnitz, with SCS
SB 1140-Vogel
SB 1141-Vogel
SB 1175-Goodman
SB 1177-Barnitz
SB 1190-Nodler
SB 1187-Purgason
SB 1288-Shields
SB 1131-Wilson, with SCS
SB 1133-Ridgeway
SB 1135-Callahan
SB 1157-Green, with SCS
SB 1149-Engler
SB 1209-Callahan, with SCS
SBs 1153, 1154, 1155 & 1156-Crowell,
with SCS

SB 1168-Dempsey and Smith, with SCS
SB 733-Champion and Gibbons
SB 932-Loudon
SB 976-Ridgeway
SB 1074-Dempsey and Graham
SB 1185-Gibbons and Bartle, with SCS
SB 1235-Justus, with SCS
SB 1278-Shields
SB 1261-Bray, with SCS
SB 928-Green
SB 839-Engler
SBs 1225 & 1226-Mayer, with SCS
SB 1081-Nodler and Green, with SCS
SB 1099-Graham
SB 1204-Goodman

RESOLUTIONS

To be Referred

SCR 36-Green

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Journal of the Senate

SECOND REGULAR SESSION

THIRTY-EIGHTH DAY—THURSDAY, MARCH 20, 2008

The Senate met pursuant to adjournment.

Senator Barnitz in the Chair.

RESOLUTIONS

On behalf of Senator Loudon, Senator Barnitz offered Senate Resolution No. 2093, regarding Ken Wales, which was adopted.

On behalf of Senator Champion, Senator Barnitz offered Senate Resolution No. 2094, regarding Jo Ann Conrad, Springfield, which was adopted.

On behalf of Senator Champion, Senator Barnitz offered Senate Resolution No. 2095, regarding Robert C. Glazier, Springfield, which was adopted.

On behalf of Senator Loudon, Senator Barnitz offered Senate Resolution No. 2096, regarding Bryce Michael Woods, Florissant, which was adopted.

On behalf of Senator Mayer, Senator Barnitz offered Senate Resolution No. 2097, regarding Steven Glenn Harrellson, Dexter, which was adopted.

On behalf of Senator Justus, Senator Barnitz offered Senate Resolution No. 2098, regarding Drew Thomas Davidson, Kansas City, which was adopted.

On behalf of Senator Shoemyer, Senator Barnitz offered Senate Resolution No. 2099, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Edward Elwood Porter, Mexico, which was adopted.

On behalf of Senator Ridgeway, Senator Barnitz offered Senate Resolution No. 2100, regarding Andrew E. Fortin, Kansas City, which was adopted.

Senator Barnitz offered Senate Resolution No. 2101, regarding John Y. Brown, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 2102, regarding Connie Falter, Argyle, which was adopted.

On behalf of Senator Lager, Senator Barnitz offered Senate Resolution No. 2103, regarding Sam Creed,

Fairfax, which was adopted.

On behalf of Senator Shields, Senator Barnitz offered Senate Resolution No. 2104, regarding Marilyn Goodlet, Faucet, which was adopted.

On behalf of Senator Shields, Senator Barnitz offered Senate Resolution No. 2105, regarding Emily Bunge, St. Joseph, which was adopted.

On behalf of Senator Shields, Senator Barnitz offered Senate Resolution No. 2106, regarding Misha Mazurkewycz, St. Joseph, which was adopted.

COMMUNICATIONS

On behalf of Senator Crowell, Senator Barnitz submitted the following:

March 18, 2008

Terry Spieler
Secretary of Senate
State Capitol – Room 325
Jefferson City, MO 65101

Dear Terry:

I respectfully request that SB 1133 that repeals the current statutory requirement that a first class county hold three public hearings and publish notice in two local newspapers prior to adopting a traffic regulation be knocked off the Senate Consent Calendar.

Thank you.

Sincerely,
/s/ Jason Crowell
Jason G. Crowell
State Senator

Also,

On behalf of Senator Coleman, Senator Barnitz submitted the following:

March 19, 2008

Terry Spieler – Secretary of the Senate
State Capitol, Room 325
Jefferson City, Missouri 65101

RE: Senate Bill 1278

Dear Ms. Spieler:

On March 13, 2008, the above-referenced bill was reported from committee and placed on the Senate calendar as a consent bill. This bill removes the statutory requirement that members of the Public Service Commission live within forty miles of Jefferson City.

Pursuant to Senate Rule 45, please consider this correspondence to be my objection to the consideration of this bill as a consent bill and my request that the bill be returned to the Senate committee from which it was reported.

Sincerely,
/s/ Maida J. Coleman
Maida J. Coleman
Minority Floor Leader

On motion of Senator Barnitz, the Senate adjourned until 2:00 p.m., Tuesday, March 25, 2008.

SENATE CALENDAR

THIRTY-NINTH DAY—TUESDAY, MARCH 25, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 1595 & 1668
HB 1371-Wilson (119), et al
HB 1678-Day, et al
HB 1384-Cox, et al
HCS for HB 1779

HCS for HB 1619
HB 1570-Franz
HB 1711-Weter, et al
HB 1410-Flook, et al

THIRD READING OF SENATE BILLS

SB 822-Shoemyer
SS for SCS for SB 898-Clemens

SCS for SB 907-Engler and Gibbons
SB 1116-Days

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 726-Shields

SCS for SB 759-Stouffer

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS
SB 713-Gibbons, with SCS
SBs 714, 933, 899 & 758-Loudon and
Gibbons, with SCS
SB 716-Loudon, et al
SB 717-Kennedy and Shields
SB 729-Griesheimer, with SCS
SB 749-Ridgeway, with SCS
SB 756-Engler and Rupp, with SCS (pending)
SBs 761 & 774-Stouffer, with SCS
SB 764-Wilson, et al, with SA 2 (pending)
SB 767-Goodman and Gibbons, with SCS
SB 768-Rupp and Gibbons, with SCS
SB 776-Justus and Koster, with SCS
SB 809-Stouffer, with SCS

SB 811-Stouffer, with SCS
SB 815-Goodman
SB 817-Goodman
SB 821-Shoemyer, with SCS (pending)
SBs 840 & 857-Engler, with SCS
SB 846-Rupp, with SCS
SB 865-Rupp and Gibbons, with SCS
SB 873-Graham, with SCS
SB 874-Graham, with SCS
SB 881-Green
SBs 909, 954, 934 & 1003-Engler, with SCS
SB 915-Ridgeway
SB 929-Green and Callahan, with SCS
SBs 930 & 947-Stouffer, with SCS
SB 939-Stouffer, with SCS

SB 957-Goodman
SB 967-Mayer, with SCS (pending)
SBs 982, 834 & 819-Purgason, with SCS
SB 990-Champion
SBs 993 & 770-Crowell, with SCS
SB 996-Crowell, with SCS
SB 997-Crowell

SB 1007-Loudon
SB 1035-Scott, with SCS
SB 1046-Mayer
SB 1058-Mayer
SB 1093-Loudon, et al
SB 1103-Gibbons
SJR 34 & 30-Crowell and Coleman, with SCS

CONSENT CALENDAR

Senate Bills

Reported 3/6

SB 790-Champion
SB 1016-Mayer
SB 863-Rupp
SB 1073-Dempsey
SB 805-Mayer
SB 1044-Stouffer, with SCS

SB 1089-Justus, with SCS
SB 1033-Griesheimer, with SCS
SB 980-Ridgeway
SB 1151-Barnitz
SB 956-Kennedy
SB 797-Bray

Reported 3/13

SB 1105-Coleman, with SCS
SB 979-Vogel
SB 1150-Barnitz, with SCS
SB 1140-Vogel
SB 1141-Vogel
SB 1175-Goodman
SB 1177-Barnitz
SB 1190-Nodler
SB 1187-Purgason
SB 1288-Shields
SB 1131-Wilson, with SCS
SB 1135-Callahan
SB 1157-Green, with SCS
SB 1149-Engler
SB 1209-Callahan, with SCS

SBs 1153, 1154, 1155 & 1156-Crowell, with SCS
SB 1168-Dempsey and Smith, with SCS
SB 733-Champion and Gibbons
SB 932-Loudon
SB 976-Ridgeway
SB 1074-Dempsey and Graham
SB 1185-Gibbons and Bartle, with SCS
SB 1235-Justus, with SCS
SB 1261-Bray, with SCS
SB 928-Green
SB 839-Engler
SBs 1225 & 1226-Mayer, with SCS
SB 1081-Nodler and Green, with SCS
SB 1099-Graham
SB 1204-Goodman

RESOLUTIONS

To be Referred

SCR 36-Green

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Journal of the Senate

SECOND REGULAR SESSION

THIRTY-NINTH DAY—TUESDAY, MARCH 25, 2008

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let everything that breathes praise the Lord!” (Psalm 150:6)

Creator God, we return after a time to rest and being re-created and therefore ready to work and do what is required of us in the weeks that remain for which we give You thanks and praise. We know that there are many things we haven’t even begun to do and other bills that we have barely talked about so our work load increases but we are ready. We pray continue to guide our hearts and minds along the path You desire for us, to be mindful of Your teachings of what is truly important. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, March 13, 2008 and Thursday, March 20, 2008 were read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Ridgeway offered Senate Resolution No. 2107, regarding Jason Michael Baur, Liberty, which

was adopted.

Senator Ridgeway offered Senate Resolution No. 2108, regarding Thomas Edward Price, Kearney, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2109, regarding Taylor Hall, Gladstone, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2110, regarding William Crooks, Gladstone, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2111, regarding Zachary James Buckner, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2112, regarding Joshua Tyler Boydston, Smithville, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2113, regarding Eric Park, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2114, regarding Ryan Randall Bueckendorf, Wildwood, which was adopted.

Senator Mayer offered Senate Resolution No. 2115, regarding Freida Hahn, Poplar Bluff, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2116, regarding Julie Stephens, Louisiana, which was adopted.

Senator Kennedy offered Senate Resolution No. 2117, regarding Paul and Marilyn Dudenhoeffer, Saint Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 2118, regarding Ramiro Martinez, Saint Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senator Gibbons offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 37

WHEREAS, the United States Fish and Wildlife Service has mandated a man-made “spring rise” for the Missouri River that is purportedly necessary for the survival of the pallid sturgeon, an endangered species; and

WHEREAS, many residents of Missouri recently suffered devastating losses of life and damage to property caused by flash flooding and swelled rivers to the extent that President Bush declared seventy Missouri counties as federal disaster areas, five deaths have been attributed to the flooding, and thousands were forced to evacuate their homes and businesses; and

WHEREAS, accurately controlling upstream discharges for the “spring rise” is extremely difficult because Missouri weather and flooding are unpredictable, as evidenced by the recent widespread flooding that has occurred in the state; and

WHEREAS, once water is released for the “spring rise” there are no intervening dams or locks to halt the rise during the ten-day travel time from Gavins Point Dam in South Dakota to St. Louis, Missouri, thereby increasing the risk that such a rise would compound flooding problems resulting from another major rain event; and

WHEREAS, on April 11, 2005, the Judge of the 8th Circuit Court of Appeals recognized that a man-made “spring rise” was the intentional flooding of downstream stakeholders; and

WHEREAS, federal agencies should not be implementing plans that are known to harm Missouri's farmers solely for the purposes of an experiment to determine whether the “spring rise” will trigger spawning of the pallid sturgeon; and

WHEREAS, a “spring rise” will exacerbate drainage problems on agricultural land which will delay crop planting, destroy crops, and require additional pumping at additional costs for Missouri farmers; and

WHEREAS, by using water in the spring that is needed to support navigation and other uses in the summer, a “spring rise” will shorten the navigation season during times of water shortages causing additional financial burdens on shippers, commercial carriers, and producers; and

WHEREAS, Missouri infrastructure, communities, businesses, farmers, ranchers, and the economy all will be put at an increased risk of flooding in the event of a “spring rise”; and

WHEREAS, it is unjust for Missouri consumers, communities, businesses, commercial carriers, farmers and ranchers to bear any additional direct or indirect costs for an unproven experimental plan; and

WHEREAS, many businesses and residential communities along the Missouri River suffered great devastation after the flood of 1993 and many businesses and residential communities in the state have suffered flooding problems again this spring; the intentional flooding of the river through a “spring rise” enhances the risk that such destruction will once again visit Missouri communities, making it harder and ultimately less attractive to rebuild; and

WHEREAS, the economic responsibilities that individual families and businesses have to bear in the face of a devastating flood are enormous; to compound and confuse that responsibility with the uncertainties that accompany a “spring rise” places a heavier burden on the backs of those families and businesses:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby concur with the Governor of the State of Missouri that all reasonable and necessary action should be taken to prevent the planned man-made “spring rise”; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, respectfully encourage the United States Army Corps of Engineers not to implement an artificial “spring rise,” which would increase the risk of flooding for Missourians, thereby being in violation of the 8th U.S. Circuit Court of Appeals' ruling, which held that flood control and navigation are the dominant uses of the Missouri River; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor of Missouri and the members of the Missouri Congressional delegation.

Senator Smith offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 38

WHEREAS, the Fourth Amendment of the United States Constitution protects Americans against unreasonable searches and seizures; and

WHEREAS, the Foreign Intelligence Surveillance Act of 1978 requires that an order be obtained from the United States Foreign Intelligence Court to engage in surveillance of communications between individuals located in the United States and individuals located abroad; and

WHEREAS, the Bush Administration ordered surveillance of certain individuals located in the United States without an order obtained from the U.S. Foreign Intelligence Court; and

WHEREAS, it appears that some telecommunications companies may have participated in such unlawful government-sanctioned spying by voluntarily providing information about their customers' telecommunications activities to the federal government without their customers' consent or in the absence of a lawful court order; and

WHEREAS, the Bush Administration has proposed retroactive immunity for such telecommunications companies:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress not to grant retroactive immunity to telecommunications companies who have participated in the unlawful surveillance of their customers and the sharing of such information with the federal government; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution to each member of the Missouri congressional delegation.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 21, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment to office submitted to you on March 3, 2008, for your advice and consent:

Robert E. McAuliffe, 4731 Koglin Court, Saint Louis, Saint Louis County, Missouri 63123, as a member of the Missouri State Council on the Arts, for a term ending October 13, 2011, and until his successor is duly appointed and qualified; vice, Marilyn Tatlow, resigned.

Respectfully submitted,

MATT BLUNT

On motion of Senator Gibbons, the above appointment was returned to the Governor per his request.

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 7, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Arthur D. Bond, III, 22 Dromara Road, Saint Louis, Saint Louis County, Missouri 63124, as a member of the Seismic Safety Commission, for a term ending July 1, 2010, and until his successor is duly appointed and qualified; vice, Steven Hermann, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 7, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Adam R. Shariff, Republican, 1423 Pepperdine Court, Ballwin, Saint Louis County, Missouri 63021, as a member of the Missouri Minority Business Advocacy Commission, for a term ending September 2, 2009, and until his successor is duly appointed and qualified; vice, Jean-Paul Chaurand, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 13, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kevin D. Gunn, Democrat, 488 South Park Avenue, Webster Groves, Saint Louis County, Missouri 63119, as a member of the Public Service Commission, for a term ending March 13, 2014, and until his successor is duly appointed and qualified; vice, Linward Appling, term

expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 14, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Neal E. Boyd, 246 Seawind Drive, Apartment C, Ballwin, Saint Louis County, Missouri 63021, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2011, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 14, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dennis L. Carroll, 18409 Arrowhead Lane, Independence, Jackson County, Missouri 64056, as a member of the Missouri Propane Gas Commission, for a term ending June 30, 2011, and until his successor is duly appointed and qualified; vice, RSMo 323.025.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 14, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John D. Comerford, 7447 York Drive, Clayton, Saint Louis County, Missouri 63105, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2011, and until his successor is duly appointed and qualified; vice, Arvid West, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 14, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert W. Dodson, 1131 Oakmont, Joplin, Newton County, Missouri 64804, as a member of the State Advisory Council on Emergency

Medical Services, for a term ending January 5, 2009, and until his successor is duly appointed and qualified; vice, Renee Routledge-Kinne, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 14, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David H. Duncan, 1605 Sunset, Mound City, Holt County, Missouri 64470, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2010, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 14, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Louis B. Eckelkamp, Jr., Republican, 1400 Dogwood Terrace, Washington, Franklin County, Missouri 63090, as a member of the Missouri Development Finance Board, for a term ending September 14, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 14, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Patrick H. Kellett, 18 Autumn Wood Court, Saint Charles, Saint Charles County, Missouri 63303, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2010, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 14, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Charles G. Misko, 58 Muirfield Court, Saint Louis, Saint Louis County, Missouri 63141, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 14, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Douglas E. Mitchell, 500 NW 301, Warrensburg, Johnson County, Missouri 64093, as a member of the Board of Private Investigator Examiners, for a term ending March 4, 2011, and until his successor is duly appointed and qualified; vice, RSMo 324.1102.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 14, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Terry L. Ramsey, Rural Route 6 Box 28, Nevada, Vernon County, Missouri 64772, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 14, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Paul C. Vescovo, III, #4 Carver Place, Smithville, Clay County, Missouri 64089, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 14, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Stanley D. Whitehurst, 173 Hill Haven Road, Marshfield, Webster County, Missouri 65706, as a member of the Missouri Community

Service Commission, for a term ending December 15, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jeffrey B. Davison, Republican, 509 West Highway 71, Savannah, Andrew County, Missouri 64485, as a member of the Missouri Ethics Commission, for a term ending March 15, 2012, and until his successor is duly appointed and qualified; vice, Robert Simpson, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James R. Wright, Republican, 807 Kentridge Court, Ballwin, Saint Louis County, Missouri 63021, as a member of the Missouri Ethics Commission, for a term ending March 15, 2012, and until his successor is duly appointed and qualified; vice, Warren Nieburg, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 17, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Grace M. Nichols, Democrat, 124 Briarcliff Drive, Saint Charles, Saint Charles County, Missouri 63301, as a member of the State Highway and Transportation Commission, for a term ending March 1, 2013, and until her successor is duly appointed and qualified; vice, Bill McKenna, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 18, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard A. Gronniger, 4614 Wilshire Drive South, Saint Joseph, Buchanan County, Missouri 64506, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2011, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 18, 2008

To the Senate of the 94th General Assembly of the State of Missouri:
I have the honor to transmit to you herewith for your advice and consent the following appointment:

Wallace N. Patrick, 3701 Wheatridge Drive, Saint Joseph, Buchanan County, Missouri 64506, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 18, 2008

To the Senate of the 94th General Assembly of the State of Missouri:
I have the honor to transmit to you herewith for your advice and consent the following appointment:

Angela N. Stiffler, Republican, 4005 South Woodland Avenue, Independence, Jackson County, Missouri 64052, as a member of the Missouri Community Service Commission, for a term ending December 15, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 18, 2008

To the Senate of the 94th General Assembly of the State of Missouri:
I have the honor to transmit to you herewith for your advice and consent the following appointment:

Cheryl L. Thruston, 215 Dover Street, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2010, and until her successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 19, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John Douglas Joyce, Independent, 21204 East 35th Terrace Court South, Independence, Jackson County, Missouri 64057, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2011, and until his successor is duly appointed and qualified; vice, Juan M. Rangel, Jr., resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 19, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Douglas L. Sutton, Republican, 27574 274th Street, Maryville, Nodaway County, Missouri 64468, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2013, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 19, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Charlie L. Taylor, 3931 Liverpool Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2010, and until his successor is duly appointed and qualified; vice, Karen Allen, term expired.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Gibbons referred **SCR 36** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 898** and **SCS** for **SB 907** to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

Senator Nodler, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2014**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason requested unanimous consent of the Senate to correct the report made by the Committee on Health and Mental Health on March 13, 2008 by submitting the correct Senate Committee Substitute for **SB 1081**, which request was granted.

SENATE BILLS FOR PERFECTION

Senator Crowell moved that **SJR 34** and **SJR 30**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SJR 34** and **30**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTIONS NOS. 34 and 30**

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 13 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to laws that are retrospective in operation.

Was taken up.

Senator Crowell moved that **SCS** for **SJR 34** and **30** be adopted.

Senators Crowell and Coleman offered **SS** for **SCS** for **SJR 34** and **30**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTIONS NOS. 34 and 30**

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 13 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to laws that are retrospective in operation.

Senator Crowell moved that **SS** for **SCS** for **SJR 34** and **30** be adopted.

Senator Bartle offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Joint Resolutions Nos. 34 and 30, Page 1, Section 13, Line 15 of said page, by striking the word “or” from said line; and further amend line 17 of said page, by inserting after “law” the following: “, **or requiring every individual who pleads guilty or nolo contendere to or is found guilty or convicted of a felony to have a biological sample collected for purposes of DNA analysis**”.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Crowell moved that **SS** for **SCS** for **SJR 34** and **30**, as amended, be adopted, which motion prevailed.

On motion of Senator Crowell, **SS** for **SCS** for **SJR 34** and **30**, as amended, was declared perfected and ordered printed.

Senator Goodman moved that **SB 767**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 767**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 767

An Act to repeal sections 600.011, 600.015, 600.017, 600.019, 600.021, 600.040, 600.042, 600.048, 600.086, 600.089, 600.090, and 600.096, RSMo, and to enact in lieu thereof fourteen new sections relating to the public defender system, with penalty provisions.

Was taken up.

Senator Goodman moved that **SCS** for **SB 767** be adopted.

Senator Justus offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 767, Pages 10-11, Section 600.052, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion failed.

Senator Scott assumed the Chair.

Senator Goodman moved that **SCS** for **SB 767** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **SB 767** was declared perfected and ordered printed.

Senator Loudon moved that **SB 714**, **SB 933**, **SB 899** and **SB 758**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 714, 933, 899** and **758**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 714, 933, 899 and 758

An Act to repeal sections 43.650, 211.425, 491.075, 566.083, 566.147, 566.149, 573.025, 573.035, 573.037, 573.040, 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, 589.425, and 650.120, RSMo, and to enact in lieu thereof twenty-two new sections relating to sexual offenses, with penalty provisions and an emergency clause for certain sections.

Was taken up.

Senator Loudon moved that **SCS** for **SBs 714, 933, 899** and **758** be adopted.

Senator Loudon offered **SS** for **SCS** for **SBs 714, 933, 899** and **758**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 714, 933, 899 and 758

An Act to repeal sections 43.650, 211.425, 491.075, 566.083, 566.147, 566.149, 573.025, 573.035, 573.037, 573.040, 589.015, 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, 589.425, and 650.120, RSMo, and to enact in lieu thereof twenty-two new sections relating to sexual offenses, with penalty provisions and an emergency clause for certain sections.

Senator Loudon moved that **SS** for **SCS** for **SBs 714, 933, 899 and 758** be adopted.

Senator Koster offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714, 933, 899 and 758, Page 9, Section 491.075, Line 28, by inserting after all of said line the following:

“556.061. In this code, unless the context requires a different definition, the following shall apply:

(1) “Affirmative defense” has the meaning specified in section 556.056;

(2) “Burden of injecting the issue” has the meaning specified in section 556.051;

(3) “Commercial film and photographic print processor”, any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency;

(4) “Confinement”:

(a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:

a. A court orders the person's release; or

b. The person is released on bail, bond, or recognizance, personal or otherwise; or

c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;

(b) A person is not in confinement if:

a. The person is on probation or parole, temporary or otherwise; or

b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement;

(5) “Consent”: consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

(a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or

(b) It is given by a person who by reason of youth, mental disease or defect, or intoxication, is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

(c) It is induced by force, duress or deception;

(6) “Criminal negligence” has the meaning specified in section 562.016, RSMo;

(7) “Custody”, a person is in custody when the person has been arrested but has not been delivered to a place of confinement;

(8) “Dangerous felony” means the felonies of arson in the first degree, assault in the first degree, attempted forcible rape if physical injury results, attempted forcible sodomy if physical injury results, forcible rape, forcible sodomy, kidnaping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, and, abuse of a child pursuant to subdivision (2) of subsection 3 of section 568.060, RSMo, [and] child kidnapping, **and parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153, RSMo;**

(9) “Dangerous instrument” means any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;

(10) “Deadly weapon” means any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy, blackjack or metal knuckles;

(11) “Felony” has the meaning specified in section 556.016;

(12) “Forcible compulsion” means either:

(a) Physical force that overcomes reasonable resistance; or

(b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;

(13) “Incapacitated” means that physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of such person's conduct, or unable to communicate unwillingness to an act. A person is not incapacitated with respect to an act committed upon such person if he or she became unconscious, unable to appraise the nature of such person's conduct or unable to communicate unwillingness to an act, after consenting to the act;

(14) “Infraction” has the meaning specified in section 556.021;

(15) “Inhabitable structure” has the meaning specified in section 569.010, RSMo;

(16) “Knowingly” has the meaning specified in section 562.016, RSMo;

(17) “Law enforcement officer” means any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States;

(18) “Misdemeanor” has the meaning specified in section 556.016;

(19) “Offense” means any felony, misdemeanor or infraction;

(20) “Physical injury” means physical pain, illness, or any impairment of physical condition;

(21) “Place of confinement” means any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held;

(22) “Possess” or “possessed” means having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his or her person

or within easy reach and convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint;

(23) “Public servant” means any person employed in any way by a government of this state who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;

(24) “Purposely” has the meaning specified in section 562.016, RSMo;

(25) “Recklessly” has the meaning specified in section 562.016, RSMo;

(26) “Ritual” or “ceremony” means an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity;

(27) “Serious emotional injury”, an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(28) “Serious physical injury” means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;

(29) “Sexual conduct” means acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

(30) “Sexual contact” means any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person;

(31) “Sexual performance”, any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen years of age;

(32) “Voluntary act” has the meaning specified in section 562.011, RSMo.

565.153. 1. In the absence of a court order determining rights of custody or visitation to a child, a person having a right of custody of the child commits the crime of parental kidnapping if he removes, takes, detains, conceals, or entices away that child within or without the state, without good cause, and with the intent to deprive the custody right of another person or a public agency also having a custody right to that child.

2. Parental kidnapping is a class D felony, **unless committed by detaining or concealing the whereabouts of the child for:**

(1) **Not less than sixty days but not longer than one hundred nineteen days, in which case, the crime is a class C felony;**

(2) **Not less than one hundred twenty days, in which case, the crime is a class B felony.**

3. A subsequently obtained court order for custody or visitation shall not affect the application of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714, 933, 899 and 758, Page 33, Section 589.425, Line 17 of said page, by inserting after all of said line the following:

“589.426. 1. Any person required to register as a sexual offender under sections 589.400 to 589.425 shall be required on October thirty-first of each year to:

(1) Avoid all Halloween-related contact with children;

(2) Remain inside his or her residence between the hours of 5 p.m. and 10:30 p.m. unless required to be elsewhere for just cause, including but not limited to, employment or medical emergencies;

(3) Post a sign at his or her residence stating, “No candy at this residence”; and

(4) Leave all outside residential lighting off during the evening hours after 5 p.m.

2. Any person required to register as a sexual offender under sections 589.400 to 589.425 who violates the provisions of subsection 1 of this section shall be guilty of a class A misdemeanor.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted.

Senator Days offered **SA 1** to **SA 2**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2**

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714, 933, 899 and 758, Page 1, Section 589.426, Line 11, by inserting after the word “candy” the following:

“or treats”.

Senator Days moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Loudon moved that **SS** for **SCS** for **SBs 714, 933, 899 and 758**, as amended, be adopted, which motion prevailed.

On motion of Senator Loudon, **SS** for **SCS** for **SBs 714, 933, 899 and 758**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SJR**s **34** and **30**; and **SCS** for **SB 767**, begs leave to report that it has examined the same and finds that the joint resolution and the bill have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **HB 1463**, entitled:

An Act to repeal sections 172.360, 174.130, 178.635, and 178.780, RSMo, and to enact in lieu thereof six new sections relating to prohibiting the admission of aliens unlawfully present in the United States at public institutions of higher education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Stouffer moved that **SB 939**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 939**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 939

An Act to repeal sections 242.430 and 245.175, RSMo, and to enact in lieu thereof two new sections relating to certain district taxes.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 939** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 939** was declared perfected and ordered printed.

CONCURRENT RESOLUTIONS

Senator Shields offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 39

WHEREAS, public and teaching hospitals in Missouri serve as an integral part of the safety net system in this state. Major teaching hospitals account for approximately twenty-five percent of all Medicaid discharges; and

WHEREAS, currently there are thirty-three teaching hospitals and mental health centers in Missouri receiving graduate medical education funds. Such funding is used to train cardiologists, oncologists, neurologists, pediatricians, and numerous other types of physicians; and

WHEREAS, such hospitals are recognized for offering the most advanced and state-of-the-art services. Therefore, such training for the future health care workforce is an important and critical policy objective for this state; and

WHEREAS, such public and teaching hospitals are concerned about proposed regulations from the federal Centers for Medicare and Medicaid Services asserting that the federal Medicaid program lacks statutory authority to match payments for direct graduate medical

education and activities. Such a rule change represents a significant reversal of long-standing Medicaid policy; and

WHEREAS, the State of Missouri will annually lose between 65 and 70 million dollars in lost federal funding starting May 25, 2008, should the rule take effect; and

WHEREAS, Truman Medical Center, in particular, is concerned that the proposed regulations would narrow the definition of "public" so that many current public hospitals, including Truman Medical Center, would no longer qualify as public for purposes of providing the local match required to obtain federal Medicaid funds. Initial estimates of the impact to Truman Medical Center is that it would exceed \$37 million in lost Medicaid funding; and

WHEREAS, United States Representative Engel has introduced HR 3533, the Public and Teaching Hospital Preservation Act, in the House of Representatives extending the proposed rule by one year until May 25, 2009, prohibiting implementation of the proposed rule on Medicaid match for direct graduate medical education:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby request that the Missouri Congressional delegation ask the Centers for Medicare and Medicaid Services to withdraw this rule or delay implementation until May 25, 2009; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution to each member of Missouri's Congressional delegation and to the administrator of the Centers for Medicare and Medicaid Services.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 2119, regarding the Fiftieth Anniversary of North Kansas City Hospital, which was adopted.

Senator Gibbons offered Senate Resolution No. 2120, regarding members of Phi Theta Kappa's All-Missouri Academic Team and the Missouri Community College Association, which was adopted.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

March 24, 2008

Senator Mike Gibbons
President Pro Tem
Missouri Senate
State Capitol, Room 326
Jefferson City, MO 65101

Dear Senator Gibbons:

This is to advise you that I will be acting Governor Monday, March 24, 2008 at approximately 8:40 a.m. until the Governor returns on Friday, March 28, 2008 at approximately 10:55 p.m.

Please submit this to the Senate Journal. Thank you for your assistance.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

Lieutenant Governor

Also,

March 25, 2008

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

Dear Mrs. Spieler:

Please be advised that I am appointing Senator Yvonne Wilson to the Missouri Emancipation Day Commission.

Please do not hesitate to contact me if you have any questions regarding this matter.

Thank you.

Yours truly

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

INTRODUCTIONS OF GUESTS

Senator Loudon introduced to the Senate, one hundred fourth grade students from Bellerive Elementary School, Creve Coeur.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTIETH DAY—WEDNESDAY, MARCH 26, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 1595 & 1668
HB 1371-Wilson (119), et al
HB 1678-Day, et al
HB 1384-Cox, et al
HCS for HB 1779

HCS for HB 1619
HB 1570-Franz
HB 1711-Weter, et al
HB 1410-Flook, et al
HCS#2 for HB 1463

THIRD READING OF SENATE BILLS

SB 822-Shoemyer
SS for SCS for SB 898-Clemens
(In Fiscal Oversight)
SCS for SB 907-Engler and Gibbons
(In Fiscal Oversight)

SB 1116-Days
SS for SCS for SJRs 34 & 30-Crowell
and Coleman
SCS for SB 767-Goodman and Gibbons

HOUSE BILLS ON THIRD READING

HCS for HB 2014, with SCS (Nodler)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 726-Shields

SCS for SB 759-Stouffer

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS
SB 713-Gibbons, with SCS
SB 716-Loudon, et al
SB 717-Kennedy and Shields
SB 729-Griesheimer, with SCS
SB 749-Ridgeway, with SCS
SB 756-Engler and Rupp, with SCS (pending)
SBs 761 & 774-Stouffer, with SCS
SB 764-Wilson, et al, with SA 2 (pending)
SB 768-Rupp and Gibbons, with SCS
SB 776-Justus and Koster, with SCS
SB 809-Stouffer, with SCS
SB 811-Stouffer, with SCS
SB 815-Goodman
SB 817-Goodman
SB 821-Shoemyer, with SCS (pending)
SBs 840 & 857-Engler, with SCS
SB 846-Rupp, with SCS
SB 865-Rupp and Gibbons, with SCS
SB 873-Graham, with SCS

SB 874-Graham, with SCS
SB 881-Green
SBs 909, 954, 934 & 1003-Engler, with SCS
SB 915-Ridgeway
SB 929-Green and Callahan, with SCS
SBs 930 & 947-Stouffer, with SCS
SB 957-Goodman
SB 967-Mayer, with SCS (pending)
SBs 982, 834 & 819-Purgason, with SCS
SB 990-Champion
SBs 993 & 770-Crowell, with SCS
SB 996-Crowell, with SCS
SB 997-Crowell
SB 1007-Loudon
SB 1035-Scott, with SCS
SB 1046-Mayer
SB 1058-Mayer
SB 1093-Loudon, et al
SB 1103-Gibbons

CONSENT CALENDAR

Senate Bills

Reported 3/6

SB 790-Champion
SB 1016-Mayer
SB 863-Rupp
SB 1073-Dempsey
SB 805-Mayer
SB 1044-Stouffer, with SCS

SB 1089-Justus, with SCS
SB 1033-Griesheimer, with SCS
SB 980-Ridgeway
SB 1151-Barnitz
SB 956-Kennedy
SB 797-Bray

Reported 3/13

SB 1105-Coleman, with SCS	SB 1168-Dempsey and Smith, with SCS
SB 979-Vogel	SB 733-Champion and Gibbons
SB 1150-Barnitz, with SCS	SB 932-Loudon
SB 1140-Vogel	SB 976-Ridgeway
SB 1141-Vogel	SB 1074-Dempsey and Graham
SB 1175-Goodman	SB 1185-Gibbons and Bartle, with SCS
SB 1177-Barnitz	SB 1235-Justus, with SCS
SB 1190-Nodler	SB 1261-Bray, with SCS
SB 1187-Purgason	SB 928-Green
SB 1288-Shields	SB 839-Engler
SB 1131-Wilson, with SCS	SBs 1225 & 1226-Mayer, with SCS
SB 1135-Callahan	SB 1081-Nodler and Green, with SCS
SB 1157-Green, with SCS	SB 1099-Graham
SB 1149-Engler	SB 1204-Goodman
SB 1209-Callahan, with SCS	
SBs 1153, 1154, 1155 & 1156-Crowell, with SCS	

RESOLUTIONS

To be Referred

SCR 37-Gibbons	SCR 39-Shields
SCR 38-Smith	

✓

Journal of the Senate

SECOND REGULAR SESSION

FORTIETH DAY—WEDNESDAY, MARCH 26, 2008

The Senate met pursuant to adjournment.

Senator Rupp in the Chair.

Reverend Carl Gauck offered the following prayer:

“...the longer I live, the more convincing proofs I see of this truth, that God governs the affairs of men.” (Benjamin Franklin)

Governing Lord, we too recognize that our country was founded upon a rock of prayer and Your Holy Word. Let us gain the wisdom of our founding fathers that in their time came from differing points of view and conditions in which they lived. But like them let us find those areas of common ground so that we might work together to produce legislation that benefits and motivates our people to live in harmony and productive ways. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that Dak Dillon had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Ridgeway offered Senate Resolution No. 2121, regarding Kayla Beth Briggs, Liberty, which was adopted.

Senator Loudon offered Senate Resolution No. 2122, regarding Craig Michael Standley, Hazelwood, which was adopted.

Senator Bartle offered Senate Resolution No. 2123, regarding the Missouri State Champion Blue Springs High School Wildcats Girls Swimming and Diving Team, which was adopted.

Senator Gibbons offered Senate Resolution No. 2124, regarding Bradley Paul Schaefer, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 2125, regarding Adam Timothy Walsh, Manchester, which was adopted.

Senator Crowell offered Senate Resolution No. 2126, regarding Danielle Swoboda, which was adopted.

Senator Crowell offered Senate Resolution No. 2127, regarding Anastacia Doty, which was adopted.

Senator Crowell offered Senate Resolution No. 2128, regarding Lauren Wikel, which was adopted.

Senator Crowell offered Senate Resolution No. 2129, regarding Ashley Drum, which was adopted.

Senator Crowell offered Senate Resolution No. 2130, regarding Breonne Johnson, which was adopted.

Senator Crowell offered Senate Resolution No. 2131, regarding Harley Hamlett, which was adopted.

Senator Crowell offered Senate Resolution No. 2132, regarding Katie Karnes, which was adopted.

Senator Crowell offered Senate Resolution No. 2133, regarding Alicia Zarlingo, which was adopted.

Senator Crowell offered Senate Resolution No. 2134, regarding Chelsie Pingel, which was adopted.

Senator Crowell offered Senate Resolution No. 2135, regarding Carissa Luttrell, which was adopted.

Senator Crowell offered Senate Resolution No. 2136, regarding Heidi Lappe, which was adopted.

Senator Crowell offered Senate Resolution No. 2137, regarding Lisa Lambert, which was adopted.

Senator Crowell offered Senate Resolution No. 2138, regarding Janel Koenig, which was adopted.

Senator Crowell offered Senate Resolution No. 2139, regarding Sarah DeWilde, which was adopted.

Senator Crowell offered Senate Resolution No. 2140, regarding Cassie Simpher, which was adopted.

Senator Crowell offered Senate Resolution No. 2141, regarding Lauren Schuette, which was adopted.

Senator Crowell offered Senate Resolution No. 2142, regarding Hannah Roach, which was adopted.

Senator Crowell offered Senate Resolution No. 2143, regarding Renee Kincade, which was adopted.

Senator Crowell offered Senate Resolution No. 2144, regarding Brianna Gray, which was adopted.

Senator Crowell offered Senate Resolution No. 2145, regarding Elizabeth Rozier, which was adopted.

Senator Crowell offered Senate Resolution No. 2146, regarding Lynn Zoellner, which was adopted.

Senator Crowell offered Senate Resolution No. 2147, regarding Amber King, which was adopted.

Senator Crowell offered Senate Resolution No. 2148, regarding Myca Rouse, which was adopted.

Senator Crowell offered Senate Resolution No. 2149, regarding Christianna Roche, which was adopted.

Senator Crowell offered Senate Resolution No. 2150, regarding Nichole Parks, which was adopted.

Senator Engler offered Senate Resolution No. 2151, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Calvin H. Washburn, De Soto, which was adopted.

Senator Engler offered Senate Resolution No. 2152, regarding Victor Rogers, Poplar Bluff, which was adopted.

REFERRALS

President Pro Tem Gibbons referred **SCR 37**, **SCR 38** and **SCR 39** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred **SCS** for **SB 767** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Crowell moved that **SB 993** and **SB 770**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 993** and **770**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 993 and 770

An Act to amend chapter 163, RSMo, by adding thereto six new sections relating to the Missouri special needs scholarship tax credit program.

Was taken up.

Senator Crowell moved that **SCS** for **SBs 993** and **770** be adopted.

Senator Crowell offered **SS** for **SCS** for **SBs 993** and **770**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 993 and 770

An Act to amend chapter 135, RSMo, by adding thereto six new sections relating to the Missouri special needs scholarship tax credit program.

Senator Crowell moved that **SS** for **SCS** for **SBs 993** and **770** be adopted.

Senator Koster offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 993 and 770, Page 5, Section 135.1202, Line 16, by inserting immediately after all of said line the following:

“8. Notwithstanding any provision of law to the contrary, any eligible student who receives an educational scholarship under the provisions of this section and, as a result, attends a non-public

school, shall be enumerated in the weighted average daily attendance calculation of the public school district which the student attended immediately prior to receiving the educational scholarship for each academic year in which the student receives the educational scholarship.

Senator Koster moved that the above amendment be adopted.

Senator Days raised the point of order that **SA 1** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SA 1 was again taken up.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 993 and 770, Page 11, Section 135.1210, Line 5, by inserting immediately after said line the following:

“Section 1. Notwithstanding any provision of law to the contrary, the state auditor shall have the power to audit any school district within the state in the same manner as the auditor may audit any agency of the state. The school district shall pay for the actual cost of the audit. No school district shall be audited under this section more than once in any three calendar years or fiscal years.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 993 and 770, Page 11, Section 135.1210, Line 5, by inserting immediately after said line the following:

“163.095. For any district in the county with a charter form of government and with more than one million inhabitants that in calendar year 2005 (school year 2005-2006) erroneously set a levy in the capital projects fund rather than the incidental fund and reported the capital projects amount to the county for which the county issued tax notices and the district received taxes for calendar year 2005, the department of elementary and secondary education shall calculate the amount the district would have received in state school aid for fiscal year 2006 had the district placed the levy in the incidental fund rather than the capital projects fund and use this revised 2005-2006 calculated funding amount in the distribution of state school aid for fiscal year 2007 and subsequent years. The calculation shall not change the actual funding due the district for the 2005-2006 year.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Crowell raised the point of order that **SA 3** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Smith offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 993 and 770, Page 2, Section 135.1202, Line 20 of said page, by inserting immediately after the word “that” the following: **“employs teachers certified to teach special education,”**.

Senator Smith moved that the above amendment be adopted.

Senator Mayer assumed the Chair.

Senator Shoemyer offered **SSA 1** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 993 and 770, Page 2, Section 135.1202, Line 12 of said page, by striking all of said line and inserting in lieu thereof the following: **“disability and which students and their parents or legal guardians have expressly waived, in writing, all rights to a free and appropriate public education as provided in the Individuals with Disabilities Education Improvement Act;”**; and further amend lines 17-24, of said page, by striking all of said lines and inserting in lieu thereof the following:

“(9) “Qualified school”, either a public elementary or secondary school outside the district in which a student resides or a nonpublic elementary or secondary school in Missouri that employs teachers certified to teach special education, complies with all of the requirements of the program and complies with all state laws that apply to background checks of employees and potential employees in the public schools and exclude from employment any person not permitted to work in a public school and which private school conforms to the biennial audit requirements set forth in section 165.121, RSMo, relating to biennial audits of public school districts;”.

Senator Shoemyer moved that the above substitute amendment be adopted.

Senator Rupp assumed the Chair.

At the request of Senator Crowell, **SB 993** and **SB 770**, with **SCS, SS** for **SCS, SA 4** and **SSA 1** for **SA 4** (pending), were placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HBs 1595** and **1668**—Ways and Means.

HB 1371—Economic Development, Tourism and Local Government.

HB 1678—Pensions, Veterans’ Affairs and General Laws.

HB 1384—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 1779**—Commerce, Energy and the Environment.

HCS for **HB 1619**—Seniors, Families and Public Health.

HB 1570—Judiciary and Civil and Criminal Jurisprudence.

HB 1711—Economic Development, Tourism and Local Government.

HB 1410—Economic Development, Tourism and Local Government.

On motion of Senator Goodman, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Mayer.

HOUSE BILLS ON THIRD READING

HCS for **HB 2014**, with **SCS**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for purchase of equipment, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2008.

Was taken up by Senator Nodler.

SCS for **HCS** for **HB 2014**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2014

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for purchase of equipment, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2008.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 2014** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 2014** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer

Wilson—33

NAYS—Senators—None

Absent—Senator Vogel—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Stouffer moved that **SB 761** and **SB 774**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 761** and **774**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 761 and 774

An Act to repeal sections 301.010, 301.130, 302.230, 302.272, 302.275, 302.321, 302.545, 302.700, 302.735, 302.755, 302.775, 304.016, 304.070, 304.230, 304.281, 306.016, 306.535, 307.100, 307.179, 311.326, 390.071, 390.136, 430.082, and 622.095, RSMo, and to enact in lieu thereof forty new sections relating to transportation, with penalty provisions, an effective date for certain sections, and an emergency clause for a certain section.

Was taken up.

Senator Stouffer moved that **SCS** for **SBs 761** and **774** be adopted.

Senator Stouffer offered **SS** for **SCS** for **SBs 761** and **774**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 761 and 774

An Act to repeal sections 260.750, 301.010, 301.057, 301.058, 301.130, 301.140, 301.143, 301.218, 302.230, 302.272, 302.275, 302.321, 302.545, 302.700, 302.735, 302.755, 302.775, 304.016, 304.070, 304.079, 304.180, 304.230, 304.281, 306.016, 306.535, 307.100, 307.179, 311.326, 390.071, 390.136, 430.082, 590.050, and 622.095, RSMo, and to enact in lieu thereof fifty-three new sections relating to transportation, with penalty provisions, an effective date for certain sections, and an emergency clause for a certain section.

Senator Stouffer moved that **SS** for **SCS** for **SBs 761** and **774** be adopted.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Page 2, Section 227.103, Line 21 of said page, by inserting after all of said line the following:

“227.295. 1. The department of transportation shall establish and administer a drunk driving victim memorial sign program. The provisions of this section shall be known as “David's Law”. The signs shall be placed upon the state highways in accordance with this section, placement guidelines adopted by the department, and any applicable federal limitations or conditions on highway signage,

including location and spacing.

2. The department shall adopt, by rules and regulations, program guidelines for the application for and placement of signs authorized by this section, including, but not limited to, the sign application and qualification process, the procedure for the dedication of signs, and procedures for the replacement or restoration of any signs that are damaged or stolen. The department shall also establish by rule, application procedures and methods for proving eligibility for the program.

3. Any person may apply to the department of transportation to sponsor a drunk driving victim memorial sign in memory of an immediate family member who died as a result of a motor vehicle accident caused by a person who was shown to have been operating a motor vehicle in violation of section 577.010 or 577.012, RSMo, or was committing an intoxication-related traffic offense at the time of the accident. Upon the request of an immediate family member of the deceased victim involved in a drunk driving accident, the department shall place a sign in accordance with this section. A person who is not a member of the immediate family may also submit a request to have a sign placed under this section if that person also submits the written consent of an immediate family member. The department shall charge the sponsoring party a fee to cover the department's cost in designing, constructing, placing, and maintaining that sign, and the department's costs in administering this section. Signs erected under this section shall remain in place for a period of ten years. After the expiration of the ten-year period, the department shall remove the sign unless the sponsoring party remits to the department of transportation a ten-year renewable fee to cover maintenance costs associated with the sign.

4. The signs shall feature the words "Drunk Driving Victim!", the initials of the victim, the month and year in which the victim of the drunk driving accident was killed, and the phrase "Who's Next?". The overall design of the sign, including size, color, and lettering, shall conform to the guidelines and regulations established by the department. The signs shall be placed near the scene of the accident.

5. All roadside memorials or markers commemorating the death of a drunk driving victim not meeting the provisions of this section are prohibited. No person, other than a department of transportation employee or the department's designee, may erect a drunk driving victim memorial sign.

6. As used in this section, the term "immediate family member" shall mean spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather.

7. The department shall adopt rules and regulations to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void."'; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Page 25, Section 301.010, Line 16, by inserting after all of said line the following:

“301.040. The director of revenue shall notify each registered motor vehicle owner by mail, at the last known address, within an appropriate period prior to the beginning of the registration period to which he has been assigned, of the date for reregistration. Such notice shall include an application blank for registration and shall specify the amount of license fees due and the registration period covered by such license. **No commercial inserts or other forms of advertising shall accompany the notice.** Application blanks shall also be furnished all branch offices of the department of revenue and license fee offices designated by the director of revenue under the provisions of section 136.055, RSMo, where they shall be made available to any person upon request. Failure of the owner to receive such notice shall not relieve the owner of the requirement to register pursuant to this chapter.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Callahan, Graham and Purgason.

SA 2 was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman	Crowell	Days	Dempsey	Engler
Goodman	Graham	Green	Justus	Koster	Lager	McKenna	Purgason
Ridgeway	Shoemyer	Smith	Wilson—20				

NAYS—Senators

Bartle	Champion	Clemens	Gibbons	Griesheimer	Kennedy	Loudon	Mayer
Nodler	Rupp	Scott	Shields	Stouffer	Vogel—14		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Purgason offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Pages 97-98, Section 306.535, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted, which motion failed.

Senator Loudon offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Page 2, Section 227.103, Line 21, by inserting after all of said line the following:

“227.700. The highways and transportation commission shall consider all expenditures of four million dollars or more made by any municipality or county government for the construction of any portion of a connector route that links any state highway of six or more lanes to a new alignment or extension of a Missouri highway of two lanes or more within any county with a charter form of government and with more than one million inhabitants to be a local match for purposes of any state or federal highway funding program administered by the commission.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion failed.

Senator Griesheimer offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Page 129, Section 590.050, Line 25, by inserting immediately after said line the following:

“643.340. 1. For the purpose of obtaining an emissions inspection only, a vehicle may be lawfully operated over the most direct route between the owner's usual domicile and an inspection station of the owner's choice, notwithstanding that the vehicle does not have a current state registration license.

2. A vehicle may be lawfully operated from an emissions inspection station to another place for the purpose of making repairs and back to the emissions inspection station, notwithstanding that the vehicle does not have a current state registration license.

3. For the purpose of obtaining an emissions inspection only, a vehicle may be lawfully operated for thirty days beyond the vehicle's registration expiration, notwithstanding that the vehicle does not have a current state registration license, if the vehicle is being driven to reset the vehicle's readiness monitors to pass the on-board diagnostic (OBD) emission inspection described in section 643.303. Vehicle operators shall keep a copy of the most recent failing OBD test results with them to present to law enforcement officers while they are operating the vehicle to reset the vehicle's readiness monitors. The late registration penalty fee described in section 301.050, RSMo, shall still apply if the vehicle is registered after its current registration expires.”; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Purgason offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Page 97, Section 306.016, Line 4, by inserting immediately after said line the following:

“306.228. 1. The commissioner may appoint from within the membership not more than one assistant commissioner, two majors, nine captains, nine lieutenants, and one director of radio, each of whom shall have the same qualifications as the commissioner, and such additional force of sergeants, corporals and

patrolmen[, so that the total number of members of the patrol shall not exceed ninety-nine officers and patrolmen] and such numbers of radio personnel as the commissioner deems necessary.

2. In case of a national emergency the commissioner may name additional patrolmen and radio personnel in a number sufficient to replace, temporarily, patrolmen and radio personnel called into military services.

3. Applicants shall not be discriminated against because of race, creed, color, national origin, religion or sex.”; and

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Page 116, Section 385.436, Line 28 of said page, by inserting immediately after said line the following:

“389.948. 1. The provisions of this section shall only apply to contract carriers that transport railroad employees under the terms of a contractual agreement with a railroad corporation on a road or highway of this state in a vehicle designed to carry eight or fewer passengers, including the driver. As used in this section, the term “contract carrier” has the meaning set forth in section 390.020, RSMo.

2. A contract carrier that transports railroad employees shall:

(1) Require each driver who transports railroad employees to have a valid chauffeur's license (class E license) issued under the provisions of chapter 302, RSMo, and applicable regulations;

(2) Provide drug and alcohol screening under 49 CFR 40 et seq. for each driver who transports railroad employees;

(3) Conduct a background investigation of each person who transports railroad employees;

(4) Require an application for employment from each prospective driver;

(5) Conduct an annual review of the driving record of each driver who transports railroad employees; and

(6) Maintain a personnel file that includes a driving record for each driver who transports railroad employees.

3. A contract carrier that transports railroad employees shall limit the hours of service by a driver who transports railroad employees to sixteen hours of on duty time within any twenty-four hour period.

4. A contract carrier that transports railroad employees shall require a driver who has twelve hours of vehicle operation within any twenty-four hour period or sixteen hours of on duty time within any twenty-four hour period to have at least eight consecutive hours off duty before operating a vehicle again.

5. Any vehicle used by a contract carrier to transport railroad employees shall be maintained in

the safe and proper operating condition recommended for that particular vehicle. A contract carrier shall maintain a record of maintenance and repair for each vehicle used to transport railroad employees. The contract carrier shall retain such maintenance and repair records for a period of twelve months.

6. A contract carrier who transports railroad employees shall keep time records for six months indicating the time all for-hire motor carrier drivers report for duty, the time of relief from duty, hours driven, hours on duty, and hours off duty. All records required to be maintained under this section shall be made available for inspection to the director of the department of transportation or the director's designee.

7. All motor vehicles used by a contract carrier to transport railroad employees within this state shall meet all state and federal regulations pertaining to safe construction and maintenance. Such motor vehicles shall be operated in compliance with all state and federal regulations pertaining to driving and the transporting of passengers.

8. The driver of a vehicle used to transport railroad employees shall inspect the vehicle at the beginning and end of each day the vehicle is used to transport railroad employees. Each inspection shall include the completion of an inspection checklist in a manner and format prescribed by the commission. The inspection checklist shall be retained by the contract carrier in the maintenance record required under subsection 5 of this section for ninety days after the date of the inspection.

9. Each contract carrier shall maintain liability insurance in an amount not less than one and one half million dollars for each vehicle used to transport railroad employees.

10. Any contract carrier, driver of a vehicle that transports railroad employees, or any other person who violates the provisions of this section or any regulations promulgated thereto, shall be guilty of a class B misdemeanor.

11. The commission may, in enforcing the provisions of this section and regulations promulgated thereto, inspect any motor vehicle to which the provision of this section applies. Upon request, the superintendent of the Missouri state highway patrol shall assist the commission in these inspections.

12. The provisions established in this section shall be considered minimum standards and shall not be construed to supercede or abrogate any law, rule, or regulation which imposes stricter standards or regulations upon the operation of contract carriers that transport railroad employees.

13. The Missouri highways and transportation commission shall promulgate rules and regulations to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Coleman offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Page 2, Section A, Line 2, by inserting after all of said line the following:

“142.815. 1. Motor fuel used for the following nonhighway purposes is exempt from the fuel tax imposed by this chapter, and a refund may be claimed by the consumer, except as provided for in subsection (1) of this section, if the tax has been paid and no refund has been previously issued:

(1) Motor fuel used for nonhighway purposes including fuel for farm tractors or stationary engines owned or leased and operated by any person and used exclusively for agricultural purposes and including, beginning January 1, 2006, bulk sales of one hundred gallons or more of gasoline made to farmers and delivered by the ultimate vender to a farm location for agricultural purposes only. As used in this section, the term “farmer” shall mean any person engaged in farming in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010, RSMo. At the discretion of the ultimate vender, the refund may be claimed by the ultimate vender on behalf of the consumer for sales made to farmers and to persons engaged in construction for agricultural purposes as defined in section 142.800. After December 31, 2000, the refund may be claimed only by the consumer and may not be claimed by the ultimate vender unless bulk sales of gasoline are made to a farmer after January 1, 2006, as provided in this subdivision and the farmer provides an exemption certificate to the ultimate vender, in which case the ultimate vender may make a claim for refund under section 142.824 but shall be liable for any erroneous refund;

(2) Kerosene sold for use as fuel to generate power in aircraft engines, whether in aircraft or for training, testing or research purposes of aircraft engines;

(3) Diesel fuel used as heating oil, or in railroad locomotives or any other motorized flanged-wheel rail equipment, or used for other nonhighway purposes other than as expressly exempted pursuant to another provision.

2. Subject to the procedural requirements and conditions set out in this chapter, the following uses are exempt from the tax imposed by section 142.803 on motor fuel, and a deduction or a refund may be claimed:

(1) Motor fuel for which proof of export is available in the form of a terminal-issued destination state shipping paper and which is either:

(a) Exported by a supplier who is licensed in the destination state or through the bulk transfer system;

(b) Removed by a licensed distributor for immediate export to a state for which all the applicable taxes and fees (however nominated in that state) of the destination state have been paid to the supplier, as a trustee, who is licensed to remit tax to the destination state; or which is destined for use within the destination state by the federal government for which an exemption has been made available by the destination state subject to procedural rules and regulations promulgated by the director; or

(c) Acquired by a licensed distributor and which the tax imposed by this chapter has previously been paid or accrued either as a result of being stored outside of the bulk transfer system immediately prior to loading or as a diversion across state boundaries properly reported in conformity with this chapter and was subsequently exported from this state on behalf of the distributor;

The exemption pursuant to paragraph (a) of this subdivision shall be claimed by a deduction on the report of the supplier which is otherwise responsible for remitting the tax upon removal of the product from a terminal or refinery in this state. The exemption pursuant to paragraphs (b) and (c) of this subdivision shall be claimed by the distributor, upon a refund application made to the director within three years. A refund claim may be made monthly or whenever the claim exceeds one thousand dollars;

(2) Undyed K-1 kerosene sold at retail through dispensers which have been designed and constructed to prevent delivery directly from the dispenser into a vehicle fuel supply tank, and undyed K-1 kerosene sold at retail through nonbarricaded dispensers in quantities of not more than twenty-one gallons for use other than for highway purposes. Exempt use of undyed kerosene shall be governed by rules and regulations of the director. If no rules or regulations are promulgated by the director, then the exempt use of undyed kerosene shall be governed by rules and regulations of the Internal Revenue Service. A distributor or supplier delivering to a retail facility shall obtain an exemption certificate from the owner or operator of such facility stating that its sales conform to the dispenser requirements of this subdivision. A licensed distributor, having obtained such certificate, may provide a copy to his or her supplier and obtain undyed kerosene without the tax levied by section 142.803. Having obtained such certificate in good faith, such supplier shall be relieved of any responsibility if the fuel is later used in a taxable manner. An ultimate vendor who obtained undyed kerosene upon which the tax levied by section 142.803 had been paid and makes sales qualifying pursuant to this subsection may apply for a refund of the tax pursuant to application, as provided in section 142.818, to the director provided the ultimate vendor did not charge such tax to the consumer;

(3) Motor fuel sold to the United States or any agency or instrumentality thereof. This exemption shall be claimed as provided in section 142.818;

(4) Motor fuel used solely and exclusively as fuel to propel school buses, as such term is defined under subdivision (19) of section 302.010, RSMo, on the public roads and highways of this state when leased or owned and when being operated by a public school district of this state, or leased or owned by a person under contract with such district for the provision of bus services for educational purposes. The exemption for use under this subdivision shall be made available to the school district for whose educational purposes the fuel is consumed, whether the fuel was purchased by such school district or by another under a contract to provide bus service for such school district, upon a refund application stating that the motor fuel was purchased for the exclusive use of the school districts.

(5) Motor fuel used solely and exclusively as fuel to propel motor vehicles on the public roads and highways of this state when leased or owned and when being operated by a federally recognized Indian tribe in the performance of essential governmental functions, such as providing police, fire, health or water services. The exemption for use pursuant to this subdivision shall be made available to the tribal government upon a refund application stating that the motor fuel was purchased for the exclusive use of the tribe in performing named essential governmental services;

[(5)] (6) Motor fuel sold within an Indian reservation or within Indian country by a federally recognized Indian tribe to a member of that tribe and used in motor vehicles owned by a member of the tribe within Indian country. This exemption does not apply to sales within an Indian reservation or within Indian country by a federally recognized Indian tribe to non-Indian consumers or to Indian consumers who are not members of the tribe selling the motor fuel. This exemption shall be administered as provided in section 142.821;

[(6)] (7) That portion of motor fuel used to operate equipment attached to a motor vehicle, if the motor

fuel was placed into the fuel supply tank of a motor vehicle that has a common fuel reservoir for travel on a highway and for the operation of equipment, or if the motor fuel was placed in a separate fuel tank and used only for the operation of auxiliary equipment. The exemption for use pursuant to this subdivision shall be claimed by a refund claim filed by the consumer who shall provide evidence of an allocation of use satisfactory to the director;

[(7)] **(8)** Motor fuel acquired by a consumer out-of-state and carried into this state, retained within and consumed from the same vehicle fuel supply tank within which it was imported, except interstate motor fuel users;

[(8)] **(9)** Motor fuel which was purchased tax-paid and which was lost or destroyed as a direct result of a sudden and unexpected casualty or which had been accidentally contaminated so as to be unsalable as highway fuel as shown by proper documentation as required by the director. The exemption pursuant to this subdivision shall be refunded to the person or entity owning the motor fuel at the time of the contamination or loss. Such person shall notify the director in writing of such event and the amount of motor fuel lost or contaminated within ten days from the date of discovery of such loss or contamination, and within thirty days after such notice, shall file an affidavit sworn to by the person having immediate custody of such motor fuel at the time of the loss or contamination, setting forth in full the circumstances and the amount of the loss or contamination and such other information with respect thereto as the director may require;

[(9)] **(10)** Dyed diesel fuel or dyed kerosene used for an exempt purpose. This exemption shall be claimed as follows:

(a) A supplier or importer shall take a deduction against motor fuel tax owed on their monthly report for those gallons of dyed diesel fuel or dyed kerosene imported or removed from a terminal or refinery destined for delivery to a point in this state as shown on the shipping papers;

(b) This exemption shall be claimed by a deduction on the report of the supplier which is otherwise responsible for remitting the tax on removal of the product from a terminal or refinery in this state;

(c) This exemption shall be claimed by the distributor, upon a refund application made to the director within three years. A refund claim may be made monthly or whenever the claim exceeds one thousand dollars.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Pages 45-48, Section 302.305, by striking all of said section as it appears on said pages; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Barnitz, Bray, Days and Koster.

SA 9 failed of adoption by the following vote:

YEAS—Senators

Barnitz

Bray

Coleman

Days

Green

Justus

McKenna

Shoemyer

Smith Wilson—10

NAYS—Senators

Bartle	Callahan	Champion	Clemens	Crowell	Dempsey	Engler	Gibbons
Goodman	Graham	Griesheimer	Kennedy	Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp	Scott	Shields	Stouffer	Vogel—24

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Lager assumed the Chair.

Senator Ridgeway offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Page 128, Section 430.082, Line 25, by inserting after all of said line the following:

“577.023. 1. For purposes of this section, unless the context clearly indicates otherwise:

(1) An “aggravated offender” is a person who:

(a) Has pleaded guilty to or has been found guilty of three or more intoxication-related traffic offenses;
or

(b) Has pleaded guilty to or has been found guilty of one or more intoxication-related traffic offense and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; or assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

(2) A “chronic offender” is:

(a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related traffic offenses; or

(b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; or

(c) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under

subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

(3) An “intoxication-related traffic offense” is driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo, or driving under the influence of alcohol or drugs in violation of state law or a county or municipal ordinance, where the defendant was represented by or waived the right to an attorney in writing;

(4) A “persistent offender” is one of the following:

(a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses;

(b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo; and

(5) A “prior offender” is a person who has pleaded guilty to or has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D felony.

4. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a class C felony.

5. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class B felony.

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until he or she has served a minimum of five days imprisonment, unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. No persistent offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment, unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court. No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment. No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment.

7. The state, county, or municipal court shall find the defendant to be a prior offender, persistent offender, aggravated offender, or chronic offender if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender or persistent offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender.

8. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

10. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

11. The defendant may waive proof of the facts alleged.

12. Nothing in this section shall prevent the use of presentence investigations or commitments.

13. At the sentencing hearing both the state, county, or municipality and the defendant shall be permitted to present additional information bearing on the issue of sentence.

14. The pleas or findings of guilty shall be prior to the date of commission of the present offense.

15. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

16. Evidence of a prior [convictions] **plea of guilty or finding of guilty in an intoxication-related traffic offense** shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon. A [conviction of a violation of a municipal or county ordinance in a county or municipal court for driving while intoxicated or a conviction or a] plea of guilty or a finding of guilty followed by **incarceration**, a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in **any intoxication-related traffic offense in a state, county or municipal court or any combination thereof**, shall be treated as a prior [conviction] **plea of guilty or finding of guilty for purposes of this section.**"; and

Further amend said bill, page 132, section D, line 15 by inserting immediately after the word "law" the following:

"and the need to protect public safety and ensure that persons guilty of multiple intoxication-related traffic offenses receive an appropriate sentence"; and further amend line 16 by inserting immediately after the word "section 307.179" the following: "and section 577.023"; and further amend line 20 by inserting

immediately after the word “section 307.179” the following: “and section 577.023”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Page 129, Section 590.050, Line 25 of said page, by inserting after all of said line the following:

“Section 1. 1. Every railroad company and railroad corporation that operates trains within the state shall provide the Missouri emergency response commission or any other designee approved by the governor of the state of Missouri with a monthly report of all key shipments of hazardous materials which were transported by said railroad company or corporation through or within the state of Missouri. A separate report shall be made for every month in which any key shipments were transported. The report shall be due within sixty days following the last day of the month being reported and shall include only information for that month.

2. For purposes of this section, “key shipments of hazardous materials” are cars loaded by the railroad carrier with any of the following commodities:

(1) Spent nuclear fuel (SNF) or high level radioactive waste (HLRW) moving under the following hazardous materials response codes (STCC):

- (a) 4829135;**
- (b) 4929125;**
- (c) 4929135;**
- (d) 4929140; or**
- (e) 4929150;**

(2) Any tank cars containing materials that require the phrase “poison-inhalation hazard”, hazard zone A, B, C, or D on the shipping papers, or anhydrous ammonia, identification number UN 1005;

(3) Cars transporting Class 1.1 or Class 1.2 explosives.

3. The report shall include the following information regarding each key shipment of hazardous materials:

- (1) The railroad that handled said shipment;**
- (2) The car initials and number;**
- (3) The weight and quantity of railcar, trailer, or container;**
- (4) The material transported in railcar, trailer, or container including proper shipping name and U.N. or N.A. number;**
- (5) The route of shipment from the point where it either originated within or entered the state and until it either exited or reached its final destination for unloading or storage within the state. The**

route shall include timetable station names at intervals of not more than sixty miles.

4. Any shipments moved less than a total distance of ten miles shall be exempt from the requirements of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Page 128, Section 430.082, Line 25, by inserting after all of said line the following:

“478.001. **1.** Drug courts may be established by any circuit court pursuant to sections 478.001 to 478.006 to provide an alternative for the judicial system to dispose of cases which stem from drug use. A drug court shall combine judicial supervision, drug testing and treatment of drug court participants. Except for good cause found by the court, a drug court making a referral for substance abuse treatment, when such program will receive state or federal funds in connection with such referral, shall refer the person only to a program which is certified by the department of mental health, unless no appropriate certified treatment program is located within the same county as the drug court. Upon successful completion of the treatment program, the charges, petition or penalty against a drug court participant may be dismissed, reduced or modified. Any fees received by a court from a defendant as payment for substance treatment programs shall not be considered court costs, charges or fines.

2. DWI courts may be established by any circuit court to provide an alternative for the judicial system to dispose of cases involving any criminal charge for an intoxication-related traffic offense, as defined by section 577.023, RSMo, that involves the use or abuse of alcohol, or any case in which it is alleged that a person was operating a motor vehicle with twenty hundredths of one percent or more by weight of alcohol in his or her blood. At the option of each circuit, such cases may be referred to an existing drug court in the circuit, or the circuit may establish a separate DWI court to hear and dispose of such cases. If a separate DWI court is established, the majority of the judges of the circuit court may designate a judge to hear such cases, or, in lieu thereof and subject to appropriations or other funds available for such purpose, a majority of the judges of the circuit court may appoint a person or persons to act as DWI court commissioner. Upon successful completion of the treatment program, a participant under this subsection may be granted a suspended execution of sentence, or may have the sentence or penalty be reduced or modified. Successful completion of the treatment program shall not result in a participant under this subsection being granted a suspended imposition of sentence.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted.

Senator Stouffer raised the point of order that **SA 12** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SA 12 was again taken up.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer moved that **SS** for **SCS** for **SBs 761** and **774**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **SCS** for **SBs 761** and **774**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1204**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1099**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1081**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SBs 714, 933, 899** and **758**; and **SCS** for **SB 939**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 2153, regarding the Class 2A State Champion Monett High School Wrestling Team, which was adopted.

Senator Goodman offered Senate Resolution No. 2154, regarding the Fiftieth Wedding Anniversary of Wessley and Jane Daniel, Mount Vernon, which was adopted.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

March 26, 2008

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

Dear Mrs. Spieler:

Please be advised that I am removing Senator Delbert Scott from the Missouri Health Insurance Pool, and appointing Senator Scott Rupp to

said committee.

Please feel free to contact me if you have any questions regarding this matter.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

INTRODUCTIONS OF GUESTS

Senator Days introduced to the Senate, her sister, Millicent Martin, Minden, Louisiana.

Senator Barnitz introduced to the Senate, Patrick Vining, Waynesville High School.

Senator Goodman introduced to the Senate, his son, Jack Elliott Goodman, Mt. Vernon; and Jack Elliott was made an honorary page.

Senator Loudon introduced to the Senate, Dr. John Gaal, his wife, Mary and their children, John Jr., Jake and Leah, Ballwin.

Senator Gibbons introduced to the Senate, Trudy Stringer, Fenton; Austin Hanse and Tim Luczak, St. Louis; and Jim Hurster, Chicago, Illinois.

Senator Kennedy introduced to the Senate, Ed Beffa and his children, Sam, Gus and Max, St. Louis; and Sam, Gus and Max were made honorary pages.

On behalf of Senator Rupp, the President introduced to the Senate, his parents, Chester and Eleanor Rupp, St. Charles; and Marietta Brandt, Carlock, Illinois.

Senator Dempsey introduced to the Senate, fourth grade students from Living Word Christian School, St. Peters.

Senator Koster introduced to the Senate, Allison George and fourth grade students from Knob Knoster Elementary School, and Trevor Kudzinski, Kennedy Ross and Marie Barlow were made honorary pages.

Senator Goodman introduced to the Senate, seventh and eighth grade students from Bradleyville School, Taney County.

Senator Lager introduced to the Senate, students from Helena Elementary School.

Senator Lager introduced to the Senate, students from New York Elementary School, Hamilton.

Senator Green introduced to the Senate, Principal Kerry McDaniel, Sue Downs, Cheryl Scurry, parents and fourth grade students from Robinwood Elementary School, Florissant; and Tyler Webster, Dominique Hanson, Mia Barnes and Dylan Switcher were made honorary pages.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FIRST DAY—THURSDAY, MARCH 27, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS#2 for HB 1463

THIRD READING OF SENATE BILLS

SB 822-Shoemyer
SS for SCS for SB 898-Clemens
(In Fiscal Oversight)
SCS for SB 907-Engler and Gibbons
(In Fiscal Oversight)
SB 1116-Days
SS for SCS for SJRs 34 & 30-Crowell
and Coleman

SCS for SB 767-Goodman and Gibbons
(In Fiscal Oversight)
SS for SCS for SBs 714, 933, 899 &
758-Loudon
SCS for SB 939-Stouffer

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 726-Shields

SCS for SB 759-Stouffer

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS
SB 713-Gibbons, with SCS
SB 716-Loudon, et al
SB 717-Kennedy and Shields
SB 729-Griesheimer, with SCS
SB 749-Ridgeway, with SCS
SB 756-Engler and Rupp, with SCS (pending)
SB 764-Wilson, et al, with SA 2 (pending)
SB 768-Rupp and Gibbons, with SCS
SB 776-Justus and Koster, with SCS
SB 809-Stouffer, with SCS

SB 811-Stouffer, with SCS
SB 815-Goodman
SB 817-Goodman
SB 821-Shoemyer, with SCS (pending)
SBs 840 & 857-Engler, with SCS
SB 846-Rupp, with SCS
SB 865-Rupp and Gibbons, with SCS
SB 873-Graham, with SCS
SB 874-Graham, with SCS
SB 881-Green
SBs 909, 954, 934 & 1003-Engler, with SCS

SB 915-Ridgeway
 SB 929-Green and Callahan, with SCS
 SBs 930 & 947-Stouffer, with SCS
 SB 957-Goodman
 SB 967-Mayer, with SCS (pending)
 SBs 982, 834 & 819-Purgason, with SCS
 SB 990-Champion
 SBs 993 & 770-Crowell, with SCS, SS for
 SCS, SA 4 and SSA 1 for SA 4 (pending)

SB 996-Crowell, with SCS
 SB 997-Crowell
 SB 1007-Loudon
 SB 1035-Scott, with SCS
 SB 1046-Mayer
 SB 1058-Mayer
 SB 1093-Loudon, et al
 SB 1103-Gibbons

CONSENT CALENDAR

Senate Bills

Reported 3/6

SB 790-Champion
 SB 1016-Mayer
 SB 863-Rupp
 SB 1073-Dempsey
 SB 805-Mayer
 SB 1044-Stouffer, with SCS

SB 1089-Justus, with SCS
 SB 1033-Griesheimer, with SCS
 SB 980-Ridgeway
 SB 1151-Barnitz
 SB 956-Kennedy
 SB 797-Bray

Reported 3/13

SB 1105-Coleman, with SCS
 SB 979-Vogel
 SB 1150-Barnitz, with SCS
 SB 1140-Vogel
 SB 1141-Vogel
 SB 1175-Goodman
 SB 1177-Barnitz
 SB 1190-Nodler
 SB 1187-Purgason
 SB 1288-Shields
 SB 1131-Wilson, with SCS
 SB 1135-Callahan
 SB 1157-Green, with SCS
 SB 1149-Engler

SB 1209-Callahan, with SCS
 SBs 1153, 1154, 1155 & 1156-Crowell, with SCS
 SB 1168-Dempsey and Smith, with SCS
 SB 733-Champion and Gibbons
 SB 932-Loudon
 SB 976-Ridgeway
 SB 1074-Dempsey and Graham
 SB 1185-Gibbons and Bartle, with SCS
 SB 1235-Justus, with SCS
 SB 1261-Bray, with SCS
 SB 928-Green
 SB 839-Engler
 SBs 1225 & 1226-Mayer, with SCS

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Journal of the Senate

SECOND REGULAR SESSION

FORTY-FIRST DAY—THURSDAY, MARCH 27, 2008

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“I pray for knowledge and experience of divine love everywhere around me and within me...I try to see the divine love from which each person springs.” ([Anne Lamott](#))

Loving God, as we complete our work this day and return to our loved ones and the work that is there for us, we will meet many people, several new to us; and so we pray that we may experience Your divine love in them and treat them as we would You. Open us up to Your presence around us and help us communicate that awareness to others as well. And give us knowledge that will respond to people and situations in Your caring merciful way. And Father, we pray for Doorkeeper Ken Holman, that You will touch him with Your healing power and bring him to health and wholeness.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 2155, regarding Kent Casey, Mount Vernon, which was adopted.

Senator Coleman offered Senate Resolution No. 2156, regarding Brittani Michelle Ross, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 2157, regarding Lauren Anselm, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 2158, regarding Marjorie Fisher, Brentwood, which was adopted.

Senator Coleman offered Senate Resolution No. 2159, regarding Amy Wiley, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2160, regarding Elizabeth Vortmeier, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 2161, regarding Sarah Grover, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 2162, regarding Melissa Williams, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 2163, regarding Kim Schmoll, Fenton, which was adopted.

Senator Coleman offered Senate Resolution No. 2164, regarding Christina Marie Correa, Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 2165, regarding Jenna Fusinatto, Cottleville, which was adopted.

Senator Coleman offered Senate Resolution No. 2166, regarding Laura Salman, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2167, regarding Kathleen Broom, Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 2168, regarding Caroline Shaughnessy, Clayton, which was adopted.

Senator Coleman offered Senate Resolution No. 2169, regarding Krista Hines, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 2170, regarding Leah McClendon, Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 2171, regarding Rebecca Werner, Ellisville, which was adopted.

Senator Coleman offered Senate Resolution No. 2172, regarding Jerrica Williams, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2173, regarding Kathleen Anna Louise Keough, Wildwood, which was adopted.

Senator Scott offered Senate Resolution No. 2174, regarding E. Joseph Bode, Sedalia, which was adopted.

Senator Vogel offered Senate Resolution No. 2175, regarding Linda S. Nentwig, Jefferson City, which was adopted.

Senator Engler offered Senate Resolution No. 2176, regarding Reverend John Kammermann, Farmington, which was adopted.

Senator Loudon offered Senate Resolution No. 2177, regarding the Eightieth Birthday of Shirley Brown, Hazelwood, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 967**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 967** was again taken up.

Senator Lager assumed the Chair.

Senator Rupp assumed the Chair.

Senator Mayer moved that **SCS** for **SB 967** be adopted, which motion prevailed.

Senator Lager assumed the Chair.

Senator Rupp assumed the Chair.

On motion of Senator Mayer, **SCS** for **SB 967** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

John L. Evans, Republican, as a member of the Amusement Ride Safety Board;

Also,

Neil G. Nuttall, Michael L. Deggendorf, Garland G. Barton, John S. Gaal and Matthew J. Aubuchon, as members of the Missouri Workforce Investment Board;

Also,

Lisa A. Cardone, Democrat, and Willard H. Halmich, Republican, as members of the Missouri Emergency Response Commission;

Also,

Ronald D. Boyer, Republican, as a member of the Air Conservation Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following report, which was read:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Kevin D. Gunn, Democrat, as a member of the Public Service Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Gibbons moved that the committee report be adopted.

At the request of Senator Gibbons, the above motion was withdrawn.

Senator Gibbons requested unanimous consent of the Senate to have the committee report on Kevin D. Gunn returned to the Committee on Gubernatorial Appointments, which request was granted.

President Pro Tem Gibbons assumed the Chair.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 967**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1138**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1107**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which were referred **SB 1234** and **SB 1270**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred

SB 1094, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 1000**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Vogel, Chairman of the Committee on Ways and Means, Senator Shields submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1052**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1054**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 1040**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SJR 45**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Purgason, Chairman of the Committee on Health and Mental Health, submitted the following report:

Mr. President: Your Committee on Health and Mental Health, to which was referred **SB 1081**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, Senator Shields submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which were referred **SB 858**, **SB 750**, **SB 751**, **SB 927**, **SB 1186**, **SB 1255**, **SB 1268** and **SB 1269**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which were referred **SB 1021** and **SB 870**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 1067**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 1099**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 904**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **SB 767** and **SCS** for **SB 907**, begs leave to report that it has considered the same and recommends that the bills do pass.

REFERRALS

President Pro Tem Gibbons referred **SB 1150**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SB 822 was placed on the Informal Calendar.

SCS for **SB 907**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 907

An Act to repeal sections 260.1003, 319.129, 319.131, and 319.133, RSMo, and to enact in lieu thereof six new sections relating to the regulation of motor fuel tanks.

Was taken up by Senator Engler.

On motion of Senator Engler, **SCS** for **SB 907** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Coleman	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Barnitz—1

Absent—Senators—None

Absent with leave—Senator Crowell—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Rupp assumed the Chair.

SB 1116, introduced by Senator Days, entitled:

An Act to amend chapter 644, RSMo, by adding thereto three new sections relating to authorization of water-related bonds.

Was taken up.

On motion of Senator Days, **SB 1116** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Crowell—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SJR**s **34** and **30**, was placed on the Informal Calendar.

SCS for **SB 767**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 767

An Act to repeal sections 600.011, 600.015, 600.017, 600.019, 600.021, 600.040, 600.042, 600.048, 600.086, 600.089, 600.090, and 600.096, RSMo, and to enact in lieu thereof fourteen new sections relating

to the public defender system, with penalty provisions.

Was taken up by Senator Goodman.

On motion of Senator Goodman, **SCS** for **SB 767** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Crowell—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SBs 714, 933, 899** and **758**, introduced by Senator Loudon, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 714, 933, 899 and 758

An Act to repeal sections 43.650, 211.425, 491.075, 556.061, 565.153, 566.083, 566.147, 566.149, 573.025, 573.035, 573.037, 573.040, 589.015, 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, 589.425, and 650.120, RSMo, and to enact in lieu thereof twenty-five new sections relating to sexual offenses, with penalty provisions and an emergency clause for certain sections.

Was taken up.

Senator Goodman assumed the Chair.

On motion of Senator Loudon, **SS** for **SCS** for **SBs 714, 933, 899** and **758** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Crowell—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Crowell—1

Vacancies—None

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 939, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 939

An Act to repeal sections 242.430 and 245.175, RSMo, and to enact in lieu thereof two new sections relating to certain district taxes.

Was taken up by Senator Stouffer.

On motion of Senator Stouffer, **SCS for SB 939** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Kennedy	Mayer
McKenna	Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—24

NAYS—Senators

Bartle	Justus	Koster	Lager	Loudon	Nodler	Purgason	Ridgeway
Smith—9							

Absent—Senators—None

Absent with leave—Senator Crowell—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 726, introduced by Senator Shields, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 726

An Act to amend chapters 162 and 210, RSMo, by adding thereto three new sections relating to child care.

Was called from the Informal Calendar and taken up.

On motion of Senator Shields, **SS for SCS for SB 726** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bray	Callahan	Champion	Clemens	Dempsey	Engler	Gibbons	Graham
Griesheimer	Kennedy	Koster	Lager	Mayer	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel—19					

NAYS—Senators

Barnitz	Bartle	Coleman	Days	Goodman	Green	Justus	Loudon
McKenna	Nodler	Purgason	Ridgeway	Rupp	Wilson—14		

Absent—Senators—None

Absent with leave—Senator Crowell—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SCS for **SB 759**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 759

An Act to repeal section 414.255, RSMo, and to enact in lieu thereof two new sections relating to biodiesel, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Stouffer.

On motion of Senator Stouffer, **SCS** for **SB 759** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Clemens	Coleman	Engler	Gibbons	Goodman	Graham	Green
Griesheimer	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Rupp
Scott	Shields	Stouffer	Wilson—20				

NAYS—Senators

Bartle	Bray	Callahan	Champion	Dempsey	Justus	Kennedy	Purgason
Ridgeway	Smith	Vogel—11					

Absent—Senators

Days	Shoemyer—2
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Absent with leave—Senator Crowell—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 822, introduced by Senator Shoemyer, entitled:

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to a property tax for cemetery maintenance.

Was called from the Informal Calendar and taken up.

On motion of Senator Shoemyer, **SB 822** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Days—1

Absent with leave—Senator Crowell—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Shoemyer, title to the bill was agreed to.

Senator Shoemyer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

RE-REFERRALS

President Pro Tem Gibbons re-referred **HB 1314** to the Committee on Education.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2001**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2002**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2003**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2004**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2005**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2006**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2008 and ending June 30, 2009.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator McKenna offered Senate Resolution No. 2178, regarding the death of Private First Class Andy Habsieger, Festus, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Green introduced to the Senate, Dean and Mary Outlaw, and their grandsons, Max and Alex Tesson, Florissant; and Max and Alex were made honorary pages.

Senator Engler introduced to the Senate, Martha Hiatt and Joe Goff; and Willie Oberman and students from Bismarck Elementary School.

Senator Crowell introduced to the Senate, members of Farm Bureau Youth Leadership, Perry County.

Senator Lager introduced to the Senate, the Physician of the Day, Dr. James Humphrey, M.D., Mound City.

Senator Griesheimer introduced to the Senate, Molly Parsons, Jessica Eichholz, Rachel Triplett, Annessa Griffen and Sean Geisert, members of Farm Bureau Youth Leadership, Washington.

On behalf of Senators Bray, Green and himself, Senator Gibbons introduced to the Senate, Tom Sothers, Mark Bockerstett and students Kevin Bockerstett, Josh Foster, Andrew Simpson, Jason Lim, Jack LaFontain, Tom Sothers and Ben Kremer, DeSmet High School, Creve Coeur.

Senator Lager introduced to the Senate, members of Farm Bureau Youth Leadership, Daviess County.

Senator Scott introduced to the Senate, members of Farm Bureau Youth Leadership, Cedar, Henry, Dallas and Benton Counties.

Senator Crowell introduced to the Senate, fourth grade students from Nell Holcomb School, Cape Girardeau; and Dalen Vance was made an honorary page.

Senator Shields introduced to the Senate, representatives of America's Second Harvest Food Bank, St. Joseph.

Senator Ridgeway introduced to the Senate, Teacher of the Year, Eric Langhorst, Superintendent Dr. Phil Wright, Principal Dr. Brad Armstrong and Vice Principal Dr. Julie Gawerecki, Liberty.

Senator Lager introduced to the Senate, members of Farm Bureau Youth Leadership, Sullivan County.

Senator Purgason introduced to the Senate, Carol Johnson, Whittey McDaniel, Hallie Horne and Janice Conner, members of Farm Bureau Youth Leadership, Howell County.

Senator Bartle introduced to the Senate, Coaches Robert Sturman, Bill Shalley, Missy Jackson, Paul Swafford and Shelby Bolin, Tarin Corwin, Kelsea Floyd, Kristi Fries, Ashlan Higgins, Molly Menefee, Abby Nelson, Meryll Pampolina, Eleanor Prewitt-Thomas, Shaida Solimani, Abby Stanley and Jennifer Wiederrich, members of Blue Springs High School Wildcats Girls Swimming and Diving Team.

Senator Barnitz introduced to the Senate, Victoria Bode, Ryan Stumpe, Cierra Davis, Jamie Shanks, Oscar Davis and Rachel Nuebert, members of Farm Bureau Youth Leadership, Maries County.

Senator Barnitz introduced to the Senate, Elizabeth Queathem, Laura Cooley, Alysson Thomas, Jacob Walton, Ashley Baugh, Karl Grosse, Natalie Uthlaut and Carol Uthlaut, members of Farm Bureau Youth Leadership, Montgomery County.

Senator Barnitz introduced to the Senate, Raschel Relford, Jessica Carver and former State Representative Merrill Townley, members of Farm Bureau Youth Leadership, Osage County.

Senator Lager introduced to the Senate, members of Farm Bureau Youth Leadership, Linn County.

Senator Purgason introduced to the Senate, Ramona Andrus, Richard McGearey, Alyson Harker and Tyann Hayes, members of Farm Bureau Youth Leadership, Mountain Grove.

Senator Lager introduced to the Senate, members of Farm Bureau Youth Leadership, DeKalb County.

Senator Barnitz introduced to the Senate, Marissa Copeland, Jodie Diestelkamp, Kelsey Keeney, Cody Meyer, Sarah Parker, Veronica Schneider, Carolyn Winthorst and Dorathea Koepke, members of Farm Bureau Youth Leadership, Gasconade County.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, March 31, 2008.

SENATE CALENDAR

FORTY-SECOND DAY—MONDAY, MARCH 31, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS#2 for HB 1463
HB 2001-Icet
HCS for HB 2002
HCS for HB 2003

HB 2004-Icet
HCS for HB 2005
HCS for HB 2006

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)

SCS for SB 967-Mayer

SENATE BILLS FOR PERFECTION

1. SB 1138-McKenna, with SCS
2. SB 1107-Scott, et al, with SCS
3. SBs 1234 & 1270-Shields, with SCS

4. SB 1094-Loudon, with SCS
5. SB 1000-Justus
6. SB 1052-Rupp

- | | |
|---|--|
| 7. SB 1054-Dempsey, with SCS | 12. SBs 1021 & 870-Loudon, et al, with SCS |
| 8. SB 1040-Clemens, with SCS | 13. SB 1067-Ridgeway, et al |
| 9. SJR 45-Clemens | 14. SB 1099-Graham |
| 10. SB 1081-Nodler and Green, with SCS | 15. SB 904-Griesheimer, with SCS |
| 11. SBs 858, 750, 751, 927, 1186, 1255,
1268 & 1269-Rupp, with SCS | |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SJRs 34 & 30-Crowell and
Coleman

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SBs 712 & 882-Gibbons and Rupp, with SCS | SB 874-Graham, with SCS |
| SB 713-Gibbons, with SCS | SB 881-Green |
| SB 716-Loudon, et al | SBs 909, 954, 934 & 1003-Engler, with SCS |
| SB 717-Kennedy and Shields | SB 915-Ridgeway |
| SB 729-Griesheimer, with SCS | SB 929-Green and Callahan, with SCS |
| SB 749-Ridgeway, with SCS | SBs 930 & 947-Stouffer, with SCS |
| SB 756-Engler and Rupp, with SCS (pending) | SB 957-Goodman |
| SB 764-Wilson, et al, with SA 2 (pending) | SBs 982, 834 & 819-Purgason, with SCS |
| SB 768-Rupp and Gibbons, with SCS | SB 990-Champion |
| SB 776-Justus and Koster, with SCS | SBs 993 & 770-Crowell, with SCS, SS for
SCS, SA 4 and SSA 1 for SA 4 (pending) |
| SB 809-Stouffer, with SCS | SB 996-Crowell, with SCS |
| SB 811-Stouffer, with SCS | SB 997-Crowell |
| SB 815-Goodman | SB 1007-Loudon |
| SB 817-Goodman | SB 1035-Scott, with SCS |
| SB 821-Shoemyer, with SCS (pending) | SB 1046-Mayer |
| SBs 840 & 857-Engler, with SCS | SB 1058-Mayer |
| SB 846-Rupp, with SCS | SB 1093-Loudon, et al |
| SB 865-Rupp and Gibbons, with SCS | SB 1103-Gibbons |
| SB 873-Graham, with SCS | |

CONSENT CALENDAR

Senate Bills

Reported 3/6

SB 790-Champion

SB 1016-Mayer

SB 863-Rupp
SB 1073-Dempsey
SB 805-Mayer
SB 1044-Stouffer, with SCS
SB 1089-Justus, with SCS

SB 1033-Griesheimer, with SCS
SB 980-Ridgeway
SB 1151-Barnitz
SB 956-Kennedy
SB 797-Bray

Reported 3/13

SB 1105-Coleman, with SCS
SB 979-Vogel
SB 1150-Barnitz, with SCS (In Fiscal Oversight)
SB 1140-Vogel
SB 1141-Vogel
SB 1175-Goodman
SB 1177-Barnitz
SB 1190-Nodler
SB 1187-Purgason
SB 1288-Shields
SB 1131-Wilson, with SCS
SB 1135-Callahan
SB 1157-Green, with SCS
SB 1149-Engler

SB 1209-Callahan, with SCS
SBs 1153, 1154, 1155 & 1156-Crowell, with SCS
SB 1168-Dempsey and Smith, with SCS
SB 733-Champion and Gibbons
SB 932-Loudon
SB 976-Ridgeway
SB 1074-Dempsey and Graham
SB 1185-Gibbons and Bartle, with SCS
SB 1235-Justus, with SCS
SB 1261-Bray, with SCS
SB 928-Green
SB 839-Engler
SBs 1225 & 1226-Mayer, with SCS

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Journal of the Senate

SECOND REGULAR SESSION

FORTY-SECOND DAY—MONDAY, MARCH 31, 2008

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“Entreat the Lord; for there has been enough of this thunder and hail.” (Exodus 9:28)

Gracious Lord, we do entreat You to stop these storms for it seems every time we travel the weather has been challenging making us thankful for our safe arrival this day and an opportunity to serve You here. Lord, we appreciate gentle rains that wet the earth but we pray for an end to the violent storms that ravish the land and some of our land is flooding and destruction is increasing and loss of life has touched some about us; so we pray that You will comfort those who experience loss and hardship with Your presence. All this we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 27, 2008 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

Absent—Senators—None

Absent with leave—Senators

Coleman Green—2

Vacancies—None

RESOLUTIONS

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2179, regarding Amber Adams, Florissant, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2180, regarding Caitlin Beastron, Chesterfield, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2181, regarding Shaneé Brown, Florissant, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2182, regarding Becky Crouch, St. Peters, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2183, regarding Sarah Dotson, O'Fallon, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2184, regarding Belinda Edler, St. Peters, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2185, regarding Stephanie Espino, Macon, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2186, regarding Shannon Eufinger, St. Peters, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2187, regarding Emily Fichtinger, St. Peters, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2188, regarding Madeleine A. Harris, Chesterfield, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2189, regarding Cassie Humphrey, St. Charles, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2190, regarding Emily Teresa Hutti, Kirkwood, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2191, regarding Melissa Ingrande, St. Peters, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2192, regarding Molly Johnson, Wildwood, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2193, regarding MyIsha Jordan, Florissant, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2194, regarding Mandolyn Kerr, St. Charles, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2195, regarding Kelly Kohlhagen, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2196, regarding Caroline Koncz, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2197, regarding Erin Lang, St. Peters, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2198, regarding Linnssie McMahan, Fenton, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2199, regarding Hilary Abigail Morrissey, Macon, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2200, regarding Megan Nicklaus, Webster Groves, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2201, regarding Deanne Puricelli, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2202, regarding Melissa Seckfort, St. Peters, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2203, regarding Rachael Snider, St. Peters, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2204, regarding Sarah Stark, Macon, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2205, regarding Shawn Marie Swarts, St. Charles, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2206, regarding Jessica Tibbetts, St. Charles, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2207, regarding Kristen Wann, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2208, regarding Ginny Webster, Excello, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2209, regarding Britteni Williams, St. Charles, which was adopted.

On behalf of Senator Coleman, Senator Days offered Senate Resolution No. 2210, regarding Alexsondra Ziegler, St. Louis, which was adopted.

On behalf of Senator Green, Senator Days offered Senate Resolution No. 2211, regarding Eric Todd Woelbling, Florissant, which was adopted.

Senator Bray offered Senate Resolution No. 2212, regarding Terry E. Crow, University City, which was adopted.

Senator Graham offered Senate Resolution No. 2213, regarding the Class 5 State Champion Rock Bridge High School Girls Basketball Bruins, which was adopted.

Senator Graham offered Senate Resolution No. 2214, regarding the University of Missouri-Columbia Department of Occupational Therapy and Occupational Science, which was adopted.

Senator Stouffer offered Senate Resolution No. 2215, regarding Derick Ray Bonner, which was

adopted.

Senator Stouffer offered Senate Resolution No. 2216, regarding Ian Micah Wright, which was adopted.

Senator Bartle offered Senate Resolution No. 2217, regarding Joey Baker, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 2218, regarding Alexander Zebediah "Alex" Loudon, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 2219, regarding Douglas Mathew "Doug" Manking, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 2220, regarding Benjamin Joseph "Ben" Williams, Lee's Summit, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2221, regarding Judy Couch, Center, which was adopted.

Senator Clemens offered Senate Resolution No. 2222, regarding Kerry Proctor, Marshfield, which was adopted.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS No. 2 for **HB 1463**—Pensions, Veterans' Affairs and General Laws.

HB 2001—Appropriations.

HCS for **HB 2002**—Appropriations.

HCS for **HB 2003**—Appropriations.

HB 2004—Appropriations.

HCS for **HB 2005**—Appropriations.

HCS for **HB 2006**—Appropriations.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SBs 761** and **774**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Bartle assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2007**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of

Economic Development, Department of Insurance, Financial Institutions and Professional Registration, and Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2008**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2009**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2008 and ending June 30, 2009.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2010**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2008 and ending June 30, 2009.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2011**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social

Services and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2008 and ending June 30, 2009.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2012**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2008 and ending June 30, 2009.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2013**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

THIRD READING OF SENATE BILLS

SB 790, introduced by Senator Champion, entitled:

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to crime laboratories.

Was called from the Consent Calendar and taken up.

On motion of Senator Champion, **SB 790** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Clemens Smith—2

Absent with leave—Senators

Coleman Green—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1016, introduced by Senator Mayer, entitled:

An Act to repeal section 537.675, RSMo, and to enact in lieu thereof one new section relating to distribution of a portion of the tort victims' compensation fund.

Was called from the Consent Calendar and taken up.

On motion of Senator Mayer, **SB 1016** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators

Coleman Green—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 863, introduced by Senator Rupp, entitled:

An Act to repeal section 166.435, RSMo, and to enact in lieu thereof one new section relating to the income tax deduction for contributions to the Missouri higher education savings program.

Was called from the Consent Calendar and taken up.

On motion of Senator Rupp, **SB 863** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Crowell Smith—2

Absent with leave—Senators

Coleman Green—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1073, introduced by Senator Dempsey, entitled:

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a sales and use tax exemption for the sale of certain defense articles sold to foreign governments.

Was called from the Consent Calendar and taken up.

On motion of Senator Dempsey, **SB 1073** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Crowell Smith—2

Absent with leave—Senators

Coleman Green—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Mayer moved that motion lay on the table, which motion prevailed.

SB 805, introduced by Senator Mayer, entitled:

An Act to repeal section 137.016, RSMo, and to enact in lieu thereof one new section relating to the assessment and levy of property taxes.

Was called from the Consent Calendar and taken up.

On motion of Senator Mayer, **SB 805** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Crowell Smith—2

Absent with leave—Senators

Coleman Green—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1044, with **SCS**, introduced by Senator Stouffer, entitled:

An Act to repeal section 190.094, RSMo, and to enact in lieu thereof one new section relating to ambulance staffing.

Was called from the Consent Calendar and taken up.

SCS for **SB 1044**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1044

An Act to repeal section 190.094, RSMo, and to enact in lieu thereof one new section relating to ambulance staffing.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 1044** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 1044** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators

Coleman Green—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1089, with **SCS**, introduced by Senator Justus, entitled:

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to the imposition of a transient guest tax by certain cities.

Was called from the Consent Calendar and taken up.

SCS for **SB 1089**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1089

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to the imposition of a transient guest tax by certain cities.

Was taken up.

Senator Justus moved that **SCS** for **SB 1089** be adopted, which motion prevailed.

On motion of Senator Justus, **SCS** for **SB 1089** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway	Rupp
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—30		

NAYS—Senator Purgason—1

Absent—Senator Smith—1

Absent with leave—Senators

Coleman Green—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Griesheimer moved that motion lay on the table, which motion prevailed.

SB 1033, with **SCS**, introduced by Senator Griesheimer, entitled:

An Act to repeal section 49.292, RSMo, and to enact in lieu thereof one new section relating to transfers of real property to counties.

Was called from the Consent Calendar and taken up.

SCS for **SB 1033**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1033

An Act to repeal section 49.292, RSMo, relating to transfers of real property to counties.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 1033** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SB 1033** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators

Coleman Green—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 980, introduced by Senator Ridgeway, entitled:

An Act to repeal sections 86.1180, 86.1200, and 86.1560, RSMo, and section 86.1230 as enacted by senate bill no. 172, ninety-fourth general assembly, first regular session, and to enact in lieu thereof three new sections relating to the police retirement system and the civilian employees' retirement system of the police department of Kansas City.

Was called from the Consent Calendar and taken up.

Pursuant to Senate Rule 91, Senator Wilson was excused from voting.

On motion of Senator Ridgeway, **SB 980** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Stouffer	Vogel—29			

NAYS—Senators—None

Absent—Senators

Bray Smith—2

Absent with leave—Senators

Coleman Green—2

Excused from voting—Senator Wilson—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Barnitz moved that **SB 1151**, entitled:

An Act to repeal section 355.151, RSMo, and to enact in lieu thereof one new section relating to

corporate name reservation.

Be called from the Consent Calendar and taken up for 3rd reading and final passage and requested a roll call vote be taken. He was joined in his request by Senators Bray, Days, Gibbons and Koster.

SB 1151 was taken up for 3rd reading and final passage by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators

Coleman Green—2

Vacancies—None

On motion of Senator Barnitz, **SB 1151** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators

Coleman Green—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Barnitz, title to the bill was agreed to.

Senator Barnitz moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 956, introduced by Senator Kennedy, entitled:

An Act to repeal sections 247.060 and 247.160, RSMo, and to enact in lieu thereof two new sections relating to public water supply districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Kennedy, **SB 956** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators

Coleman Green—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 797, introduced by Senator Bray, entitled:

An Act to repeal sections 115.315 and 115.327, RSMo, and to enact in lieu thereof two new sections relating to third party candidates.

Was called from the Consent Calendar and taken up.

On motion of Senator Bray, **SB 797** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators

Coleman Green—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Bray, title to the bill was agreed to.

Senator Bray moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 979, introduced by Senator Vogel, entitled:

An Act to repeal sections 135.090 and 144.270, RSMo, and to enact in lieu thereof two new sections relating to taxation.

Was called from the Consent Calendar and taken up.

On motion of Senator Vogel, **SB 979** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Green—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Vogel moved that **SB 1140**, entitled:

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the administrative trust fund, with an emergency clause.

Be called from the Consent Calendar and taken up for 3rd reading and final passage, which motion prevailed on a standing division vote.

On motion of Senator Vogel, **SB 1140** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators

Coleman Green—2

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators

Coleman Green—2

Vacancies—None

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1141, introduced by Senator Vogel, entitled:

An Act to repeal sections 26.215, 26.220, 26.225, 27.090, 27.095, 27.100, 28.300, 28.305, 28.310, 29.400, 29.405, 29.410, 30.500, 30.505, and 30.510, RSMo, and to enact in lieu thereof fifteen new sections relating to the transition period for statewide elected officials.

Was called from the Consent Calendar and taken up.

On motion of Senator Vogel, **SB 1141** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators

Coleman Green—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1175, introduced by Senator Goodman, entitled:

An Act to repeal section 215.160, RSMo, and to enact in lieu thereof one new section relating to bonds and notes held by the Missouri housing development commission.

Was called from the Consent Calendar and taken up.

On motion of Senator Goodman, **SB 1175** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators

Coleman Green—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1177, introduced by Senator Barnitz, entitled:

An Act to repeal section 632.005, RSMo, and to enact in lieu thereof one new section relating to licensed professional counselors.

Was called from the Consent Calendar and taken up.

On motion of Senator Barnitz, **SB 1177** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Days	Dempsey
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Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Clemens Rupp—2

Absent with leave—Senators

Coleman Green—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Barnitz, title to the bill was agreed to.

Senator Barnitz moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1190, introduced by Senator Nodler, entitled:

An Act to repeal section 620.010, RSMo, and to enact in lieu thereof one new section relating to the division of professional registration.

Was called from the Consent Calendar and taken up.

On motion of Senator Nodler, **SB 1190** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senators

Coleman Green—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1187, introduced by Senator Purgason, entitled:

An Act to repeal section 306.228, RSMo, and to enact in lieu thereof one new section relating to the number of uniformed members of the Missouri state water patrol.

Was called from the Consent Calendar and taken up.

On motion of Senator Purgason, **SB 1187** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senators

Coleman Green—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1288, introduced by Senator Shields, entitled:

An Act to repeal section 105.473, RSMo, and to enact in lieu thereof one new section relating to lobbyist reporting requirements for expenditures for committees of the house and senate.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 1288** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Crowell	Days	Dempsey	Engler	Gibbons
Goodman	Graham	Griesheimer	Justus	Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson—29			

NAYS—Senators

Bartle Bray—2

Absent—Senator Clemens—1

Absent with leave—Senators

Coleman Green—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1131, with **SCS**, introduced by Senator Wilson, entitled:

An Act to repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to economic activity taxes for payment of tax increment financing projects.

Was called from the Consent Calendar and taken up.

SCS for **SB 1131**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1131

An Act to repeal sections 94.577, 94.600, and 94.605, RSMo, and to enact in lieu thereof three new sections relating to transportation sales taxes.

Was taken up.

Senator Wilson moved that **SCS** for **SB 1131** be adopted, which motion prevailed.

On motion of Senator Wilson, **SCS** for **SB 1131** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Days	Dempsey	Engler
Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Clemens Crowell—2

Absent with leave—Senators

Coleman Green—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Wilson, title to the bill was agreed to.

Senator Wilson moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1135, introduced by Senator Callahan, entitled:

An Act to repeal section 88.917, RSMo, and to enact in lieu thereof one new section relating to street grading in certain cities.

Was called from the Consent Calendar and taken up.

On motion of Senator Callahan, **SB 1135** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Days	Dempsey	Engler	Gibbons
Goodman	Graham	Griesheimer	Justus	Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—28				

NAYS—Senators—None

Absent—Senators

Barnitz	Clemens	Crowell	Scott—4
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Absent with leave—Senators

Coleman	Green—2
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Vacancies—None

The President declared the bill passed.

On motion of Senator Callahan, title to the bill was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1149, introduced by Senator Engler, entitled:

An Act to repeal section 321.210, RSMo, and to enact in lieu thereof one new section relating to fire protection district board of director candidacy.

Was called from the Consent Calendar and taken up.

Senator Lager assumed the Chair.

On motion of Senator Engler, **SB 1149** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Days	Dempsey	Engler
Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson—29			

NAYS—Senators—None

Absent—Senators

Clemens Crowell Scott—3

Absent with leave—Senators

Coleman Green—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1722**, entitled:

An Act to repeal sections 160.261, 160.660, 161.650, 167.020, 167.022, 167.023, 167.029, 167.115, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.133, and 210.102, and to enact in lieu thereof seventeen new sections relating to school protection measures.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1326**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax deduction for qualified hybrid motor vehicle purchases.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SBs 761** and **774** to the Committee on Governmental Accountability and Fiscal Oversight.

INTRODUCTIONS OF GUESTS

Senator Scott introduced to the Senate, his wife, Donna, Lowry City; their daughter-in-law, Kelly, and her children, Landon and Brennon, Columbia; and Landon and Brennon were made honorary pages.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-THIRD DAY—TUESDAY, APRIL 1, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 2007
HCS for HB 2008
HCS for HB 2009
HCS for HB 2010
HCS for HB 2011

HCS for HB 2012
HCS for HB 2013
HCS for HB 1722
HCS for HB 1326

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)
SCS for SB 967-Mayer

SS for SCS for SBs 761 & 774-Stouffer
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 1138-McKenna, with SCS
2. SB 1107-Scott, et al, with SCS
3. SBs 1234 & 1270-Shields, with SCS
4. SB 1094-Loudon, with SCS
5. SB 1000-Justus
6. SB 1052-Rupp
7. SB 1054-Dempsey, with SCS
8. SB 1040-Clemens, with SCS
9. SJR 45-Clemens

10. SB 1081-Nodler and Green, with SCS
11. SBs 858, 750, 751, 927, 1186, 1255,
1268 & 1269-Rupp, with SCS
12. SBs 1021 & 870-Loudon, et al,
with SCS
13. SB 1067-Ridgeway, et al
14. SB 1099-Graham
15. SB 904-Griesheimer, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SJRs 34 & 30-Crowell and
Coleman

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS	SB 874-Graham, with SCS
SB 713-Gibbons, with SCS	SB 881-Green
SB 716-Loudon, et al	SBs 909, 954, 934 & 1003-Engler, with SCS
SB 717-Kennedy and Shields	SB 915-Ridgeway
SB 729-Griesheimer, with SCS	SB 929-Green and Callahan, with SCS
SB 749-Ridgeway, with SCS	SBs 930 & 947-Stouffer, with SCS
SB 756-Engler and Rupp, with SCS	SB 957-Goodman
(pending)	SBs 982, 834 & 819-Purgason, with SCS
SB 764-Wilson, et al, with SA 2 (pending)	SB 990-Champion
SB 768-Rupp and Gibbons, with SCS	SBs 993 & 770-Crowell, with SCS, SS for
SB 776-Justus and Koster, with SCS	SCS, SA 4 and SSA 1 for SA 4 (pending)
SB 809-Stouffer, with SCS	SB 996-Crowell, with SCS
SB 811-Stouffer, with SCS	SB 997-Crowell
SB 815-Goodman	SB 1007-Loudon
SB 817-Goodman	SB 1035-Scott, with SCS
SB 821-Shoemyer, with SCS (pending)	SB 1046-Mayer
SBs 840 & 857-Engler, with SCS	SB 1058-Mayer
SB 846-Rupp, with SCS	SB 1093-Loudon, et al
SB 865-Rupp and Gibbons, with SCS	SB 1103-Gibbons
SB 873-Graham, with SCS	

CONSENT CALENDAR

Senate Bills

Reported 3/13

SB 1105-Coleman, with SCS	SB 976-Ridgeway
SB 1150-Barnitz, with SCS (In Fiscal Oversight)	SB 1074-Dempsey and Graham
SB 1157-Green, with SCS	SB 1185-Gibbons and Bartle, with SCS
SB 1209-Callahan, with SCS	SB 1235-Justus, with SCS
SBs 1153, 1154, 1155 & 1156-Crowell,	SB 1261-Bray, with SCS
with SCS	SB 928-Green
SB 1168-Dempsey and Smith, with SCS	SB 839-Engler
SB 733-Champion and Gibbons	SBs 1225 & 1226-Mayer, with SCS
SB 932-Loudon	

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Journal of the Senate

SECOND REGULAR SESSION

FORTY-THIRD DAY—TUESDAY, APRIL 1, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Know that the Lord is God. It is he that made us, and we are his; we are his people, and the sheep of his pasture.” (Psalm 100:3)

Faithful God, You are loving and true in all Your ways from which we benefit. So we pray accept our praises as we seek You in ways that are worthy of Your greatness. And bless what we do here that it may benefit those who are touched by our efforts. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 2223, regarding the Boys and Girls Clubs of Missouri, which was adopted.

Senator Mayer offered Senate Resolution No. 2224, regarding Daniel Smith, Piedmont, which was adopted.

Senator Mayer offered Senate Resolution No. 2225, regarding Brandon Kimes, Piedmont, which was adopted.

Senator Mayer offered Senate Resolution No. 2226, regarding Jon Montgomery, Piedmont, which was adopted.

Senator Champion offered Senate Resolution No. 2227, regarding Dan R. Kinney, Springfield, which was adopted.

Senator Kennedy offered Senate Resolution No. 2228, regarding Dr. Donna L. Jahnke, Saint Louis, which was adopted.

Senator Engler offered Senate Resolution No. 2229, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Vincent J. Gegg, which was adopted.

Senator Stouffer offered Senate Resolution No. 2230, regarding 2008 Class 1 State Wrestling Champion, Devin Mellon, Lawson High School, which was adopted.

Senator Stouffer offered Senate Resolution No. 2231, regarding the One Hundredth Birthday of Ruth L. Gienapp, Concordia, which was adopted.

SENATE BILLS FOR PERFECTION

SB 1138, with **SCS**, was placed on the Informal Calendar.

SB 1107, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Shields, **SB 1234** and **SB 1270**, with **SCS**, were placed on the Informal Calendar.

SB 1094, with **SCS**, was placed on the Informal Calendar.

SB 1000 was placed on the Informal Calendar.

SB 1052 was placed on the Informal Calendar.

SB 1054, with **SCS**, was placed on the Informal Calendar.

SB 1040, with **SCS**, was placed on the Informal Calendar.

SJR 45 was placed on the Informal Calendar.

SB 1081, with **SCS**, was placed on the Informal Calendar.

Senator Rupp moved that **SB 858**, **SB 750**, **SB 751**, **SB 927**, **SB 1186**, **SB 1255**, **SB 1268** and **SB 1269**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SBs 858, 750, 751, 927, 1186, 1255, 1268 and 1269, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 858, 750, 751, 927, 1186, 1255, 1268 and 1269**

An Act to repeal sections 8.283, 143.191, 172.360, 174.130, 178.635, 178.780, and 544.470, RSMo, and to enact in lieu thereof eighteen new sections relating to illegal immigrants, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Rupp moved that **SCS for SBs 858, 750, 751, 927, 1186, 1255, 1268 and 1269** be adopted.

Senator Rupp offered **SS for SCS for SBs 858, 750, 751, 927, 1186, 1255, 1268 and 1269**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 858, 750, 751, 927, 1186, 1255, 1268 and 1269**

An Act to repeal sections 8.283, 143.191, 172.360, 174.130, 178.635, 178.780, and 544.470, RSMo, and to enact in lieu thereof twenty-one new sections relating to illegal immigrants, with penalty provisions and an effective date for certain sections.

Senator Rupp moved that **SS for SCS for SBs 858, 750, 751, 927, 1186, 1255, 1268 and 1269**, be adopted.

Senator Shields assumed the Chair.

Senator Scott assumed the Chair.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 858, 750, 751, 927, 1186, 1255, 1268 and 1269, Page 13, Section 208.009, Line 22, by inserting immediately after said line, the following:

“285.309. 1. Every employer doing business in this state who employs five or more employees shall, if applicable, submit federal 1099 miscellaneous forms to the department of revenue. Such forms shall be submitted to the department of revenue within the time lines established for the filing of Missouri Form 99 forms.

2. Any employer who intentionally, on five or more occasions, fails to submit information on any employee required under subsection 1 of this section is guilty of a class A misdemeanor and shall be fined not more than one hundred dollars for each time the employer fails to submit the information on or after the fifth occurrence. If the failure is the result of a conspiracy between the employer and the employee or worker to not supply the required report or to supply a false or incomplete report, the fine shall be one thousand dollars for each failure to report or each false or incomplete report on and after the fifth occurrence.

285.500. For the purposes of sections 285.500 to 285.515 the following terms mean:

(1) “Employee”, any individual who performs services for an employer that would indicate an

employer-employee relationship in satisfaction of the factors in IRS Rev. Rule 87-41, 1987-1 C.B.296.;

(2) “Employer”, any individual, organization, partnership, political subdivision, corporation, or other legal entity which has or had in the entity's employ five or more individuals performing any of the following services within this state:

- (a) Construction as defined in section 290.210, RSMo;
- (b) Public works as defined in section 290.210, RSMo;
- (c) Maintenance work as defined in section 290.210, RSMo.

285.503. 1. An employer knowingly misclassifies a worker if that employer fails to claim the worker as an employee but knows, or has reason to know, that worker is an employee.

2. The attorney general may investigate alleged or suspected violations of sections 285.500 to 285.515 and shall have all powers provided by sections 407.040 to 407.090, RSMo, in connection with any investigation of an alleged or suspected violation of sections 285.500 to 285.515 as if the acts enumerated in sections 285.500 to 285.515 are unlawful acts proscribed by chapter 407, RSMo.

3. In addition to the powers set out in subsection 1 of this section, the attorney general may serve and enforce subpoenas related to the enforcement of sections 285.500 to 285.515.

285.506. 1. In any action brought under sections 285.500 to 285.515, the state shall have the burden of proving that the employer misclassified the worker. If the state is unable to produce any evidence supporting its contention that the alleged misclassified worker is misclassified, the court shall find that the worker is not an employee for purposes of that action.

2. In any action brought under sections 285.500 to 285.515, there is a rebuttable presumption that a worker is an employee if the worker is an unauthorized alien as defined in 8 U.S.C. 1324a(h)(3). To rebut this presumption, the employer must produce an I-9 form to establish that the worker is not an unauthorized alien or other documentation to show that the worker is an independent contractor. If the employer fails to produce such evidence, the court shall find that the worker is an employee for purposes of that action.

285.509. 1. The department of labor and industrial relations shall establish a complaint form to receive complaints about alleged misclassification of workers. The form shall be made available on the Internet. Upon receiving a complaint, the department shall cross-check the complaint against any employer records it maintains and shall also cross-check the complaint against any records maintained by the department of revenue.

2. If the department determines, after conducting the review set out in subsection 1 of this section, that an employer appears to have misclassified a worker, it shall forward its determination along with supporting documentation to the attorney general.

3. Upon receiving the department's determination, the attorney general may request additional information or records from the department of labor and industrial relations, the department of revenue, or any other state agency that may have information or records relevant to the matter. Upon request, the department or other state agency shall provide the information or records requested. If the attorney general receives records that are otherwise closed pursuant to law, the attorney general shall likewise treat any such records obtained in the course of an investigation as closed records, except that such records may be used in the course of any action brought under sections 285.500 to 285.515.

4. The department of labor and industrial relations shall have the authority to promulgate rules necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

285.512. 1. Whenever the attorney general has reason to believe that an employer has engaged in, is engaging in, or is about to engage in any conduct that would be a violation of sections 285.500 to 285.515, the attorney general may seek an injunction prohibiting the employer from engaging in such conduct.

2. The attorney general may bring an action for injunctive relief in the circuit court of any county where the alleged violation is occurring or about to occur.

3. In seeking injunctive relief, the attorney general may petition the court to order that all work contracted for by the employer at any site of the employer be halted if the court determines that the employer has engaged in, or is about to engage in, any conduct that would be a violation of sections 285.500 to 285.515. In addition to such relief, the court may issue any other order or judgment necessary to prevent the employer from committing any further violations of sections 285.500 to 285.515.

285.515. 1. If a court determines that an employer has knowingly misclassified a worker, the court shall enter a judgment in favor of the state and award penalties in the amount of fifty dollars per day per misclassified worker up to a maximum of fifty thousand dollars to the Missouri worker protection fund established in section 285.518.

2. If a court determines that an employer has knowingly misclassified a worker after having been previously adjudicated for knowing misclassification of a worker, the court shall enter a judgment in favor of the state and award penalties in the amount of one hundred dollars per day per misclassified worker up to a maximum of one hundred thousand dollars to the Missouri worker protection fund established in section 285.518.

3. The court may, in addition to the penalties authorized by this section, order that attorneys' fees and costs be paid to the state.

4. The attorney general may enter into a consent judgment with any person alleged to have violated sections 285.500 to 285.515.

285.518. There is hereby created in the state treasury the "Missouri Worker Protection Fund", which shall consist of money collected under sections 285.500 to 285.515. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of sections 285.500 to 285.515. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same

manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. This fund shall be administered by the attorney general for the purposes of ensuring that Missouri employers hire employees and subcontract with workers who are not misclassified. The fund shall consist of:

- (1) All amounts ordered to be paid into the fund pursuant to section 285.515;
- (2) Any amounts appropriated to the fund; and
- (3) Any voluntary contributions, gifts, or bequests to the fund.”; and

Further amend said bill, section C, page 31, line 23 by inserting immediately after all of said line the following:

“Section D. Because of the need to provide a level playing field for Missouri employers and workers, the provisions of sections 285.309 and 285.500 to 285.518 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency within the meaning of the constitution, and sections 285.309 and 285.500 to 285.518 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Koster offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 858, 750, 751, 927, 1186, 1255, 1268 and 1269, Page 16, Section 285.530, Line 1, by striking the word “state”; and further amend said section and page, line 2, by inserting immediately after the word “grant”, the following:

“in excess of five thousand dollars by the state or by any political subdivision of the state”.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Smith offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 858, 750, 751, 927, 1186, 1255, 1268 and 1269, Page 29, Section 577.722, Line 4, by inserting after all of said line the following:

“4. Individuals shall not be liable under this section for transporting an illegal alien who is unlawfully present in the state for the purposes of delivering the individual to a medical facility, soup kitchen, institution for crisis counseling and intervention, or short-term shelter, or for sheltering such an alien who has been the victim of abuse.”.

Senator Smith moved that the above amendment be adopted, which motion prevailed.

Senator Rupp moved that **SS for SCS for SBs 858, 750, 751, 927, 1186, 1255, 1268 and 1269**, as amended, be adopted, which motion prevailed.

On motion of Senator Rupp, **SS for SCS for SBs 858, 750, 751, 927, 1186, 1255, 1268 and 1269**, as amended, was declared perfected and ordered printed.

Senator Wilson moved that **SB 764**, with **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Purgason, the above amendment was withdrawn.

Senator Wilson moved that **SB 764** be declared perfected and ordered printed, which motion failed by the following vote:

YEAS—Senators

Bray	Coleman	Days	Justus	Kennedy	McKenna	Shoemyer	Smith
Wilson—9							

NAYS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Dempsey	Engler	Gibbons
Goodman	Graham	Green	Koster	Lager	Loudon	Mayer	Nodler
Purgason	Scott	Shields	Stouffer	Vogel—21			

Absent—Senator Rupp—1

Absent with leave—Senators

Crowell	Griesheimer	Ridgeway—3
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Vacancies—None

THIRD READING OF SENATE BILLS

SCS for **SB 967**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 967

An Act to repeal section 173.387, RSMo, and to enact in lieu thereof one new section relating to federally guaranteed student loans, with an emergency clause.

Was taken up by Senator Mayer.

On motion of Senator Mayer, **SCS** for **SB 967** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler	Purgason	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Wilson—28				

NAYS—Senators

Bartle	Green—2
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Absent—Senator Vogel—1

Absent with leave—Senators

Crowell	Griesheimer	Ridgeway—3
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Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler	Purgason	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Wilson—28				

NAYS—Senators

Bartle Green—2

Absent—Senator Vogel—1

Absent with leave—Senators

Crowell Griesheimer Ridgeway—3

Vacancies—None

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

SB 1021 and **SB 870**, with **SCS**, were placed on the Informal Calendar.

SB 1067 was placed on the Informal Calendar.

Senator Graham moved that **SB 1099** be taken up for perfection, which motion prevailed.

At the request of Senator Graham, **SB 1099** was placed on the Informal Calendar.

Senator Graham moved that **SB 873**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 873**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 873

An Act to repeal sections 172.030, 172.035, 172.040, and 172.060, RSMo, and to enact in lieu thereof four new sections relating to student curators.

Was taken up.

Senator Graham moved that **SCS** for **SB 873** be adopted, which motion prevailed.

On motion of Senator Graham, **SCS** for **SB 873** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 930** and **SB 947**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 930** and **947**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 930 and 947

An Act to repeal sections 144.805 and 305.230, RSMo, and to enact in lieu thereof two new sections relating to the state aviation trust fund.

Was taken up.

Senator Stouffer moved that **SCS** for **SBs 930** and **947** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SBs 930** and **947** was declared perfected and ordered printed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 2007**—Appropriations.

HCS for **HB 2008**—Appropriations.

HCS for **HB 2009**—Appropriations.

HCS for **HB 2010**—Appropriations.

HCS for **HB 2011**—Appropriations.

HCS for **HB 2012**—Appropriations.

HCS for **HB 2013**—Appropriations.

On motion of Senator Shields, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Goodman.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 43**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 22 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to limitations on property tax revenue.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2014** and requests the Senate to recede from its position and failing

to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Nodler moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 2014** and grant the House a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SBs 858, 750, 751, 927, 1186, 1255, 1268 and 1269**; **SCS** for **SBs 930 and 947**; and **SCS** for **SB 873**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Rupp moved that **SB 846**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 846**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 846

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof two new sections relating to higher education scholarships.

Was taken up.

Senator Rupp moved that **SCS** for **SB 846** be adopted.

Senator Graham offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 846, Page 4, Section 160.545, Line 116, by inserting immediately after said line the following:

“173.256. 1. The department of higher education shall collect and distribute funds for the kids' chance scholarship pursuant to section 173.254, however, the department shall not distribute the corpus provided by section 173.258. **The department may distribute any accrued interest in the fund as scholarships after the second Monday in October of 2008.**

2. There is hereby created in the state treasury the “Kids' Chance Scholarship Fund”, which shall consist of all moneys deposited in the fund pursuant to section 173.258 and all moneys which may be appropriated to it by the general assembly, from federal or other sources, including private donations. Upon termination of the fund, all moneys in the fund shall be transferred for the use of the division of workers' compensation for deposit in the fund created by virtue of section 287.690, RSMo.

3. The state treasurer shall administer the fund and credit all interest to the fund and the moneys in the fund shall be used solely upon appropriation by the department for the expenses of carrying out its duties pursuant to this section.

4. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end of the biennium.

173.258. The director of the division of workers' compensation shall deposit fifty thousand dollars from the premium tax collected pursuant to section 287.690, RSMo, on the second Monday in October of each year beginning in 1999 until [2008] **2018** into the kids' chance scholarship fund.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Graham offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 846, Page 6, Section 173.272, Line 76, by inserting immediately after said line the following:

“Section 1. Notwithstanding any provision of law to the contrary, no alien unlawfully present in the United States shall be eligible for any state grant, scholarship, or financial assistance to any public or private institution of higher education, and shall not be able to use any such monies at any public or private institution of higher education located in Missouri with the exception of those born on or before August 28, 2008, that have completed three full semesters in a Missouri high school immediately prior to applying to an institution of higher education in Missouri.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Rupp offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 846, Page 6, Section 173.272, Line 76, by inserting immediately after said line the following:

“Section 1. Notwithstanding any provision of law to the contrary, no alien unlawfully present in the United States shall be eligible for any state grant, scholarship, or financial assistance to any public or private institution of higher education, and shall not be able to use any such monies at any public or private institution of higher education located in Missouri.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above substitute amendment be adopted.

Senator Dempsey assumed the Chair.

At the request of Senator Rupp, **SSA 1** for **SA 2** was withdrawn.

At the request of Senator Graham, **SA 2** was withdrawn.

At the request of Senator Rupp, **SB 846**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Scott moved that **SB 1107**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1107**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1107

An Act to repeal sections 304.157, 306.010, 306.015, 306.100, 306.111, 306.112, 306.114, 306.117, 306.124, 306.125, 306.132, 306.147, 306.221, 565.024, 565.082, and 577.080, RSMo, and to enact in lieu thereof seventeen new sections relating to watercraft, with penalty provisions.

Was taken up.

Senator Scott moved that **SCS** for **SB 1107** be adopted.

Senator Engler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1107, Page 20, Section 306.147, Line 90, by inserting immediately after all of said line the following:

“306.190. 1. The provisions of this chapter and of other applicable laws of this state shall govern the operation, equipment, numbering and all other matters relating thereto whenever any watercraft shall be operated on the waters of this state, or when any activity regulated by this chapter shall take place thereon; but nothing in this chapter shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of watercraft the provisions of which are identical to the provisions of this chapter, amendments thereto or regulations issued thereunder; except that the ordinances or local laws shall be operative only so long as and to the extent that they continue to be identical to provisions of this chapter, amendments thereto or regulations issued thereunder.

2. Any city or subdivision of this state may adopt special rules and regulations with reference to the operation of watercraft on any waters owned by the city or political subdivision.

3. The provisions of this chapter shall not apply to farm ponds not commercially operated for boating purposes.

4. No city or political subdivision of this state shall adopt special rules and regulations with reference to restricting the operation of personal watercraft on waters of this state.”; and

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 1107, Page 20, Section 306.147, Line 90, by inserting immediately after said line the following:

“306.163. 1. The governor, by and with the advice and consent of the senate, shall appoint a commissioner of the Missouri state water patrol **from its uniformed membership** to serve at the pleasure of the governor. The commissioner shall take and subscribe an oath of office to perform the commissioner's duties faithfully and impartially.

2. The commissioner shall prescribe rules for instruction and discipline and make administrative rules

and regulations and fix the hours of duty for the members of the patrol. The commissioner shall have charge of the office of the patrol, shall be custodian of the records of the patrol, and shall direct the day-to-day activities of the officers, patrolmen and office personnel.

3. The commissioner shall be given a certificate of appointment, a copy of which shall be filed with the secretary of state, granting him or her all the powers of a peace officer to enforce all the laws of this state within the jurisdiction of the water patrol as listed in section 306.165, provided that he has completed a law enforcement training course which meets the standards established in chapter 590, RSMo.

4. In the absence, or upon the disability, of the commissioner, or at the time the commissioner designates, the lieutenant colonel shall assume the duties of the commissioner. In case of the disability of the commissioner and the lieutenant colonel, the governor may designate a major as acting commissioner and when so designated, the acting commissioner shall have all the powers and duties of the commissioner.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted.

Senator Bartle offered **SA 1** to **SA 2**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for Senate Bill No. 1107, Page 1, Section 306.163, Line 5, by striking the words “from its uniformed membership”; and

further amend said page, section, line 8, by inserting at the end of said line the following:

“The commissioner appointed by the governor shall have at least ten years of experience in law enforcement similar to the duties exercised by uniformed officers of the state water patrol or at least five years of experience as a uniformed officer of the state water patrol.”.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Rupp assumed the Chair.

SA 2, as amended, was again taken up.

Senator Shields moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Purgason offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 1107, Page 20, Section 306.221, Line 6, by inserting immediately after all of said line the following:

“306.228. 1. The commissioner may appoint from within the membership not more than one assistant commissioner, two majors, nine captains, nine lieutenants, and one director of radio, each of whom shall have the same qualifications as the commissioner, and such additional force of sergeants, corporals and patrolmen[, so that the total number of members of the patrol shall not exceed ninety-nine officers and patrolmen] and such numbers of radio personnel as the commissioner deems necessary.

2. In case of a national emergency the commissioner may name additional patrolmen and radio

personnel in a number sufficient to replace, temporarily, patrolmen and radio personnel called into military services.

3. Applicants shall not be discriminated against because of race, creed, color, national origin, religion or sex.”; and

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 1107, Page 23, Section 577.080, Line 42, by inserting immediately after all of said line the following:

“Section 1. Effective January 1, 2010, the department of public safety shall combine the Missouri state highway patrol and the Missouri state water patrol into a newly created division, entitled the “Division of State Law Enforcement”.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion failed.

Senator Dempsey assumed the Chair.

Senator Loudon offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 1107, Page 22, Section 565.082, Line 32, by inserting after all of said line the following:

“577.023. 1. For purposes of this section, unless the context clearly indicates otherwise:

(1) An “aggravated offender” is a person who:

(a) Has pleaded guilty to or has been found guilty of three or more intoxication-related traffic offenses;

or

(b) Has pleaded guilty to or has been found guilty of one or more intoxication-related traffic offense and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; or assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

(2) A “chronic offender” is:

(a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related traffic offenses; or

(b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying

felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; or

(c) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

(3) An “intoxication-related traffic offense” is driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo, or driving under the influence of alcohol or drugs in violation of state law or a county or municipal ordinance, where the defendant was represented by or waived the right to an attorney in writing;

(4) A “persistent offender” is one of the following:

(a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses;

(b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo; and

(5) A “prior offender” is a person who has pleaded guilty to or has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D felony.

4. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a class C felony.

5. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class B felony.

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until he or she has served a minimum of five days imprisonment, unless as a condition of such parole or probation such person performs at least thirty days of

community service under the supervision of the court in those jurisdictions which have a recognized program for community service. No persistent offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment, unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court. No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment. No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment.

7. The state, county, or municipal court shall find the defendant to be a prior offender, persistent offender, aggravated offender, or chronic offender if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender or persistent offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender.

8. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

10. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

11. The defendant may waive proof of the facts alleged.

12. Nothing in this section shall prevent the use of presentence investigations or commitments.

13. At the sentencing hearing both the state, county, or municipality and the defendant shall be permitted to present additional information bearing on the issue of sentence.

14. The pleas or findings of guilty shall be prior to the date of commission of the present offense.

15. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

16. Evidence of a prior [convictions] **plea of guilty or finding of guilty in an intoxication-related traffic offense** shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon. A [conviction of a violation of a municipal or county ordinance in a county or municipal court for driving while intoxicated or a conviction or a] plea of guilty or a finding of guilty followed by **incarceration**, a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in **any intoxication-related traffic offense in a state, county or municipal court or any combination thereof**,

shall be treated as a prior [conviction] **plea of guilty or finding of guilty for purposes of this section.**”; and

Further amend said bill, page 23, section 577.080, line 42 by inserting after all of said line the following:

“Section B. Because of the need to protect public safety and ensure that persons guilty of multiple intoxication-related traffic offenses receive an appropriate sentence, the repeal and reenactment of section 577.023 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 577.023 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SCS** for **SB 1107**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 1107**, as amended, was declared perfected and ordered printed.

Senator Loudon moved that **SB 1007** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Loudon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 1007, Page 3, Section 290.512, Line 22, by inserting after all of said line the following:

“290.523. The department may, in accordance with chapter 536, RSMo, promulgate such rules and regulations as are necessary for the enforcement and administration of sections 290.500 to 290.530. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion failed.

Senator Green offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 1007, Page 1, Section A, Line 3, by inserting immediately after said line, the following:

“285.309. 1. Every employer doing business in this state who employs five or more employees shall, if applicable, submit federal 1099 miscellaneous forms to the department of revenue. Such forms shall be submitted to the department of revenue within the time lines established for the filing of Missouri Form 99 forms.

2. Any employer who intentionally, on five or more occasions, fails to submit information on any employee required under subsection 1 of this section is guilty of a class A misdemeanor and shall be fined not more than one hundred dollars for each time the employer fails to submit the information on or after the fifth occurrence. If the failure is the result of a conspiracy between the employer and the employee or worker to not supply the required report or to supply a false or incomplete report, the fine shall be one thousand dollars for each failure to report or each false or incomplete report on and after the fifth occurrence.

285.500. For the purposes of sections 285.500 to 285.515 the following terms mean:

(1) “Employee”, any individual who performs services for an employer that would indicate an employer-employee relationship in satisfaction of the factors in IRS Rev. Rule 87-41, 1987-1 C.B.296.;

(2) “Employer”, any individual, organization, partnership, political subdivision, corporation, or other legal entity which has or had in the entity's employ five or more individuals performing any of the following services within this state:

(a) Construction as defined in section 290.210, RSMo;

(b) Public works as defined in section 290.210, RSMo;

(c) Maintenance work as defined in section 290.210, RSMo.

285.503. 1. An employer knowingly misclassifies a worker if that employer fails to claim the worker as an employee but knows, or has reason to know, that worker is an employee.

2. The attorney general may investigate alleged or suspected violations of sections 285.500 to 285.515 and shall have all powers provided by sections 407.040 to 407.090, RSMo, in connection with any investigation of an alleged or suspected violation of sections 285.500 to 285.515 as if the acts enumerated in sections 285.500 to 285.515 are unlawful acts proscribed by chapter 407, RSMo.

3. In addition to the powers set out in subsection 1 of this section, the attorney general may serve and enforce subpoenas related to the enforcement of sections 285.500 to 285.515.

285.506. 1. In any action brought under sections 285.500 to 285.515, the state shall have the burden of proving that the employer misclassified the worker. If the state is unable to produce any evidence supporting its contention that the alleged misclassified worker is misclassified, the court shall find that the worker is not an employee for purposes of that action.

2. In any action brought under sections 285.500 to 285.515, there is a rebuttable presumption that a worker is an employee if the worker is an unauthorized alien as defined in 8 U.S.C. 1324a(h)(3). To rebut this presumption, the employer must produce an I-9 form to establish that the worker is not an unauthorized alien or other documentation to show that the worker is an independent contractor. If the employer fails to produce such evidence, the court shall find that the worker is an employee for purposes of that action.

285.509. 1. The department of labor and industrial relations shall establish a complaint form to receive complaints about alleged misclassification of workers. The form shall be made available on the Internet. Upon receiving a complaint, the department shall cross-check the complaint against any employer records it maintains and shall also cross-check the complaint against any records maintained by the department of revenue.

2. If the department determines, after conducting the review set out in subsection 1 of this section, that an employer appears to have misclassified a worker, it shall forward its determination along with supporting documentation to the attorney general.

3. Upon receiving the department's determination, the attorney general may request additional information or records from the department of labor and industrial relations, the department of revenue, or any other state agency that may have information or records relevant to the matter. Upon request, the department or other state agency shall provide the information or records requested. If the attorney general receives records that are otherwise closed pursuant to law, the attorney general shall likewise treat any such records obtained in the course of an investigation as closed records, except that such records may be used in the course of any action brought under sections 285.500 to 285.515.

4. The department of labor and industrial relations shall have the authority to promulgate rules necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

285.512. 1. Whenever the attorney general has reason to believe that an employer has engaged in, is engaging in, or is about to engage in any conduct that would be a violation of sections 285.500 to 285.515, the attorney general may seek an injunction prohibiting the employer from engaging in such conduct.

2. The attorney general may bring an action for injunctive relief in the circuit court of any county where the alleged violation is occurring or about to occur.

3. In seeking injunctive relief, the attorney general may petition the court to order that all work contracted for by the employer at any site of the employer be halted if the court determines that the employer has engaged in, or is about to engage in, any conduct that would be a violation of sections 285.500 to 285.515. In addition to such relief, the court may issue any other order or judgment necessary to prevent the employer from committing any further violations of sections 285.500 to 285.515.

285.515. 1. If a court determines that an employer has knowingly misclassified a worker, the court shall enter a judgment in favor of the state and award penalties in the amount of fifty dollars per day per misclassified worker up to a maximum of fifty thousand dollars to the Missouri worker protection fund established in section 285.518.

2. If a court determines that an employer has knowingly misclassified a worker after having been previously adjudicated for knowing misclassification of a worker, the court shall enter a judgment in favor of the state and award penalties in the amount of one hundred dollars per day per misclassified worker up to a maximum of one hundred thousand dollars to the Missouri worker protection fund established in section 285.518.

3. The court may, in addition to the penalties authorized by this section, order that attorneys' fees

and costs be paid to the state.

4. The attorney general may enter into a consent judgment with any person alleged to have violated sections 285.500 to 285.515.

285.518. There is hereby created in the state treasury the “Missouri Worker Protection Fund”, which shall consist of money collected under sections 285.500 to 285.515. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of sections 285.500 to 285.515. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. This fund shall be administered by the attorney general for the purposes of ensuring that Missouri employers hire employees and subcontract with workers who are not misclassified. The fund shall consist of:

(1) All amounts ordered to be paid into the fund pursuant to section 285.515;

(2) Any amounts appropriated to the fund; and

(3) Any voluntary contributions, gifts, or bequests to the fund.”; and

further amend said bill, page 3, section B, line 2 by inserting after the word “employees”, the following:

“and the need to provide a level playing field for Missouri employers and workers”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

At the request of Senator Loudon, **SB 1007**, with **SA 2** (pending) was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2014**. Representatives: Icet, Robb, Stevenson, Storch and Curls.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 31, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John L. Bogner, 5970 Pennbrooke Drive, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Board of Geologist Registration, for a term ending April 11, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

March 31, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Carol A. Gosselink, Democrat, 3240 South Roanoke Avenue, Springfield, Greene County, Missouri 65807, as a member of the State Board of Senior Services, for a term ending August 30, 2010, and until her successor is duly appointed and qualified; vice, Lillian Eunice, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 1, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John W. McCulloch, Republican, 814 Sherwood Drive, Jefferson City, Cole County, Missouri 65109, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2013, and until his successor is duly appointed and qualified; vice, Marcia Shadel, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

March 31, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Billy D. Meyer, 9754 East Highway 86, Neosho, Newton County, Missouri 64850, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2010, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

March 31, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Judith E. Pastorino, 1840 West Way, Columbia, Boone County, Missouri 65203, as a member of the Advisory Commission for Physical

Therapists, for a term ending October 1, 2010, and until her successor is duly appointed and qualified; vice, Christel Johnson, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 31, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

George C. Sumter, 936 Ridge Drive, Warrensburg, Johnson County, Missouri 64093, as student representative of the Truman State University Board of Governors, for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, Emily Kiddoo, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 31, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sarah C. Tate, 2510 SE Kimbrough Court, Lee's Summit, Jackson County, Missouri 64063, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2010, and until her successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,

MATT BLUNT

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2014**: Senators Nodler, Mayer, Purgason, Bray and Green.

REFERRALS

President Pro Tem Gibbons referred the Gubernatorial Appointments to the Committee on Gubernatorial Appointments.

President Pro Tem Gibbons referred **SCS** for **SBs 930** and **947** and **SS** for **SCS** for **SBs 858, 750, 751, 927, 1186, 1255, 1268** and **1269** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 2232, regarding Zachary Robert Beattie, Savannah, which was adopted.

Senator Loudon offered Senate Resolution No. 2233, regarding Laura L. Meyer, St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 2234, regarding Daniel Stokes, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 2235, regarding Jason Ausberger, Trenton, which was adopted.

On behalf of Senator Ridgeway, Senator Shields offered Senate Resolution No. 2236, regarding Dr. Jahnae H. Barnett, which was adopted.

Senator Wilson offered Senate Resolution No. 2237, regarding Michael Luke Bradford, which was adopted.

Senator Wilson offered Senate Resolution No. 2238, regarding Matthew Elbridge Gerry, which was adopted.

Senator Wilson offered Senate Resolution No. 2239, regarding Adam Emmanuel Doria, which was adopted.

Senator Wilson offered Senate Resolution No. 2240, regarding Rose Bryant, Kansas City, which was adopted.

Senator Crowell offered Senate Resolution No. 2241, regarding Aidan Jeremiah “A.J.” Coale, Springfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Shields introduced to the Senate, the Physician of the Day, Dr. Adrian J. Delaney III, M.D., MBA, Kansas City.

Senator Scott introduced to the Senate, representatives of Missouri Credit Unions.

Senator Gibbons introduced to the Senate, Kim Drury and fifty-four fourth grade students from St. Peters School, Kirkwood; and Bridget Mayfield, Emily Sindelar, Joe Bellon and Jack Eisenbarger were made honorary pages.

Senator Kennedy introduced to the Senate, Allan Schindler, Susan Johnson, Cathy Donze, Jim Krause, Donna Schumann, Fred Baras, Bruce Hopson, Art Schuermann, Julie Krause, Cathie Sorbello, Lois Thompson and Teresa Dorlac, representatives of South County Chamber of Commerce.

Senator Nodler introduced to the Senate, Ms. Butterfield and twenty-six students from Seneca High School.

Senator Green introduced to the Senate, members of Missouri State Council of Machinists, Communication Workers of America, United Auto Workers, UNITE/HERE, United Steelworkers of America and United Food and Commercial Workers from around the state.

Senator Justus introduced to the Senate, teachers, parents and fourth grade students from St. Peters School, Kansas City.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FOURTH DAY—WEDNESDAY, APRIL 2, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1722
HCS for HB 1326

HCS for HJR 43

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)
SS for SCS for SBs 761 & 774-Stouffer
(In Fiscal Oversight)
SS for SCS for SBs 858, 750, 751,
927, 1186, 1255, 1268 & 1269-Rupp
(In Fiscal Oversight)

SCS for SBs 930 & 947-Stouffer
(In Fiscal Oversight)
SCS for SB 873-Graham

SENATE BILLS FOR PERFECTION

SB 904-Griesheimer, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SJRs 34 & 30-Crowell and
Coleman

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS
SB 713-Gibbons, with SCS
SB 716-Loudon, et al
SB 717-Kennedy and Shields
SB 729-Griesheimer, with SCS
SB 749-Ridgeway, with SCS
SB 756-Engler and Rupp, with SCS (pending)
SB 768-Rupp and Gibbons, with SCS
SB 776-Justus and Koster, with SCS
SB 809-Stouffer, with SCS

SB 811-Stouffer, with SCS
SB 815-Goodman
SB 817-Goodman
SB 821-Shoemyer, with SCS (pending)
SBs 840 & 857-Engler, with SCS
SB 846-Rupp, with SCS (pending)
SB 865-Rupp and Gibbons, with SCS
SB 874-Graham, with SCS
SB 881-Green
SBs 909, 954, 934 & 1003-Engler, with SCS

SB 915-Ridgeway	SB 1046-Mayer
SB 929-Green and Callahan, with SCS	SB 1052-Rupp
SB 957-Goodman	SB 1054-Dempsey, with SCS
SBs 982, 834 & 819-Purgason, with SCS	SB 1058-Mayer
SB 990-Champion	SB 1067-Ridgeway, et al
SBs 993 & 770-Crowell, with SCS, SS for SCS, SA 4 and SSA 1 for SA 4 (pending)	SB 1081-Nodler and Green, with SCS
SB 996-Crowell, with SCS	SB 1093-Loudon, et al
SB 997-Crowell	SB 1094-Loudon, with SCS
SB 1000-Justus	SB 1099-Graham
SB 1007-Loudon, with SA 2 (pending)	SB 1103-Gibbons
SBs 1021 & 870-Loudon, et al, with SCS	SB 1138-McKenna, with SCS
SB 1035-Scott, with SCS	SBs 1234 & 1270-Shields, with SCS
SB 1040-Clemens, with SCS	SJR 45-Clemens

CONSENT CALENDAR

Senate Bills

Reported 3/13

SB 1105-Coleman, with SCS	SB 932-Loudon
SB 1150-Barnitz, with SCS (In Fiscal Oversight)	SB 976-Ridgeway
SB 1157-Green, with SCS	SB 1074-Dempsey and Graham
SB 1209-Callahan, with SCS	SB 1185-Gibbons and Bartle, with SCS
SBs 1153, 1154, 1155 & 1156-Crowell, with SCS	SB 1235-Justus, with SCS
SB 1168-Dempsey and Smith, with SCS	SB 1261-Bray, with SCS
SB 733-Champion and Gibbons	SB 928-Green
	SB 839-Engler
	SBs 1225 & 1226-Mayer, with SCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2014, with SCS (Nodler)

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Journal of the Senate

SECOND REGULAR SESSION

FORTY-FOURTH DAY—WEDNESDAY, APRIL 2, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I have chosen the way of faithfulness; I set your ordinances before me.” (Psalm 119:30)

Lord, You have given us choices all along the way and these choices have consequences and on this day we are more mindful of how we have chosen and whether or not we have been faithful. In these hours today bless us and make these passing minutes meaningful. And we pray those things we have done according to Your will You will truly bless. And may this day end in our praise for Your continuing being with us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 2242, regarding Frank Woodruff Buckles, Charles Town, West Virginia, which was adopted.

Senator Crowell offered Senate Resolution No. 2243, regarding Mr. and Mrs. John Reed Foster, which was adopted.

Senator Crowell offered Senate Resolution No. 2244, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. Floyd Penny, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2245, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Dohognes, which was adopted.

Senator Crowell offered Senate Resolution No. 2246, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Kenneth Schreiner, Marble Hill, which was adopted.

Senator Crowell offered Senate Resolution No. 2247, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Ted Williams, Fredericktown, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2248, regarding David A. Fulton, Clay County, which was adopted.

Senator Clemens offered Senate Resolution No. 2249, regarding Stuart Jump, Marshfield, which was adopted.

Senator Justus offered Senate Resolution No. 2250, regarding Children's Mercy Hospitals and Clinics, Kansas City, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Engler moved that **SB 840** and **SB 857**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 840** and **857**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 840 and 857

An Act to repeal sections 130.047, 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, RSMo, and to enact in lieu thereof nine new sections relating to telephone calls, with an emergency clause.

Was taken up.

Senator Engler moved that **SCS** for **SBs 840** and **857** be adopted.

Senator Engler offered **SS** for **SCS** for **SBs 840** and **857**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 840 and 857

An Act to repeal sections 130.047, 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, RSMo, and to enact in lieu thereof nine new sections relating to telephone calls, with an emergency clause.

Senator Engler moved that **SS** for **SCS** for **SBs 840 and 857** be adopted.

Senator Rupp assumed the Chair.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 840 and 857, Pages 7-9, Section 386.1012, by striking all of said section from the bill; and

Further amend said bill, page 11, section 386.2021, line 23 by inserting after all of said line the following:

“407.1107. 1. The attorney general may initiate proceedings relating to a knowing violation or threatened knowing violation of section [407.1098 or 407.1104] **386.1003 or 386.1009**. Such proceedings may include, without limitation, an injunction, a civil penalty up to a maximum of five thousand dollars for each knowing violation and additional relief in any court of competent jurisdiction. The attorney general may issue investigative demands, issue subpoenas, administer oaths and conduct hearings in the course of investigating a violation of [407.1098 or 407.1104] **386.1003 or 386.1009**.

2. In addition to the penalties provided in subsection 1 of this section, any person or entity that violates section [407.1104] **386.1009** shall be subject to all penalties, remedies and procedures provided in sections 407.010 to 407.130. The remedies available in this section are cumulative and in addition to any other remedies available by law.

3. Any person who has received more than one telephone solicitation within any twelve-month period by or on behalf of the same person or entity in violation of section [407.1098 or 407.1104] **386.1003 or 386.1009** may either:

(1) Bring an action to enjoin such violation;

(2) Bring an action to recover for actual monetary loss from such knowing violation or to receive up to five thousand dollars in damages for each such knowing violation, whichever is greater; or

(3) Bring both such actions.

4. It shall be a defense in any action or proceeding brought pursuant to this section that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent telephone solicitations in violation of section [407.1098 or 407.1104] **386.1003 or 386.1009**.

5. No action or proceeding may be brought pursuant to this section:

(1) More than two years after the person bringing the action knew or should have known of the occurrence of the alleged violation; or

(2) More than two years after the termination of any proceeding or action arising out of the same violation or violations by the state of Missouri, whichever is later.

6. A court of this state may exercise personal jurisdiction over any nonresident or his or her executor or administrator as to an action or proceeding authorized by this section in the manner otherwise provided by law.

7. The remedies, duties, prohibitions and penalties of sections [407.1095 to 407.1104] **386.1000 to 386.1021** are not exclusive and are in addition to all other causes of action, remedies and penalties provided

by law.

8. No provider of telephone caller identification service shall be held liable for violations of section [407.1098 or 407.1104] **386.1003 or 386.1009** committed by other persons or entities.

9. Section 407.1104 and this section shall take effect on July 1, 2001.”; and

Further amend said bill, pages 14-15, section 407.1107, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Green offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 840 and 857, Pages 2-5, Section 386.1000, by striking all of said section from the bill; and

Further amend said bill, section 386.1003, page 5, lines 8-13 by striking all of said section from the bill; and

Further amend said bill, section 386.1006, pages 5-7 by striking all of said section from the bill; and

Further amend said bill, section 386.1009, page 7, lines 14-21 by striking all of said section from the bill; and

Further amend said bill, section 386.1012, pages 7-9 by striking all of said section from the bill; and

Further amend said bill, section 386.1015, pages 9-11 by striking all of said section from the bill; and

Further amend said bill, section 386.1018, page 11, lines 12-16 by striking all of said section from the bill; and

Further amend said bill, section 386.1021, page 11, lines 17-23 by striking all of said section from the bill; and

Further amend said bill, sections 407.1095 to 407.1107, pages 11-15 by striking all of said sections from the bill; and

Further amend said bill, section 407.1107, page 15, line 39 by inserting after all of said line the following:

“407.1095. As used in sections 407.1095 to 407.1110, the following words and phrases mean:

(1) **“Automated call”, any prerecorded or synthesized voice message resulting from the use of an automatic dialing-announcing device but does not include communication:**

(a) **To any residential subscriber with that subscriber's prior express invitation or permission;**

(b) **By or on behalf of any person or entity with whom a residential subscriber has had a business contact within the past one hundred eighty days or a current business or personal relationship;**

(c) **When the message is preceded by a live operator who announces the automated message to be delivered;**

(d) From a public safety agency or other entity notifying a person of an emergency. Such calls may include Amber alert notification issued under section 210.1012, RSMo; or

(e) From a telecommunications company, as defined in section 386.020, RSMo, or the directory publisher affiliates of any such company, calling solely for the purpose of verifying the delivery of products or services that were provided at no charge to the residential subscriber;

(f) From a person or entity requesting the residential subscriber's personal opinion regarding a public policy matter, political candidate, or issue before the voters or which may come before the voters, where the request for an opinion is made for a bona fide information-gathering purpose;

(2) “Automatic dialing-announcing device”, a device that selects and dials telephone numbers and that, working alone or in conjunction with other equipment, disseminates a prerecorded or synthesized voice message to the telephone number called;

(3) “Caller identification service”, a type of telephone service which permits telephone subscribers to see the telephone number of incoming telephone calls;

(4) “Political solicitation”, any voice communication from a live operator or through the use of an automatic dialing-announcing device for the purpose of promoting, advertising, or campaigning for or against a political candidate or political issue;

[(2)] (5) “Residential subscriber”, a person who, for primarily personal and familial use, has subscribed to residential telephone service [from a local exchange company], wireless service or similar service, or the other persons living or residing with such person;

[(3)] (6) “Telephone solicitation”, any voice [communication over a telephone line from a live operator, through the use of ADAD equipment or by other means], facsimile, graphic imaging, or data communication, including text messaging communications, for the purpose of encouraging the purchase or rental of, or investment in, property, goods or services, but does not include communications:

(a) To any residential subscriber with that subscriber's prior express invitation or permission;

(b) By or on behalf of any person or entity with whom a residential subscriber has had a business contact within the past one hundred eighty days or a current business or personal relationship;

(c) By or on behalf of an entity organized pursuant to Chapter 501(c)(3) of the United States Internal Revenue Code, while such entity is engaged in fund-raising to support the charitable purpose for which the entity was established provided that a bona fide member of such exempt organization makes the voice communication;

(d) By or on behalf of any entity over which a federal agency has regulatory authority to the extent that:

a. Subject to such authority, the entity is required to maintain a license, permit or certificate to sell or provide the merchandise being offered through telemarketing; and

b. The entity is required by law or rule to develop and maintain a no-call list;

(e) By a natural person responding to a referral, or working from his or her primary residence, or a person licensed by the state of Missouri to carry out a trade, occupation or profession who is setting or attempting to set an appointment for actions relating to that licensed trade, occupation or profession within the state or counties contiguous to the state.

407.1098. [1.] No person or entity shall make or cause to be made any telephone solicitation **or automated call** to [the telephone line of] any residential subscriber in this state who has given notice to the attorney general, in accordance with rules promulgated pursuant to section 407.1101 of such subscriber's objection to receiving telephone solicitations **and automated calls**.

[2. This section shall take effect on July 1, 2001.]

407.1101. 1. The attorney general shall establish and provide for the operation of a database to compile a list of telephone numbers of residential subscribers who object to receiving telephone solicitations **and automated calls**. [The attorney general shall have such database in operation no later than July 1, 2001.]

2. [No later than January 1, 2001,] The attorney general shall promulgate rules and regulations governing the establishment of a state no-call database as he or she deems necessary and appropriate to fully implement the provisions of sections 407.1095 to 407.1110. The rules and regulations shall include those which:

(1) Specify the methods by which each residential subscriber may give notice to the attorney general or its contractor of his or her objection to receiving such solicitations **and calls** or revocation of such notice. There shall be no cost to the subscriber for joining the database;

(2) Specify the length of time for which a notice of objection shall be effective and the effect of a change of telephone number on such notice;

(3) Specify the methods by which such objections and revocations shall be collected and added to the database;

(4) Specify the methods by which any person or entity desiring to make telephone solicitations **or automated calls** will obtain access to the database as required to avoid calling the telephone numbers of residential subscribers included in the database, including the cost assessed to that person or entity for access to the database;

(5) Specify such other matters relating to the database that the attorney general deems desirable.

3. If the Federal Communications Commission establishes a single national database of telephone numbers of subscribers who object to receiving telephone solicitations pursuant to 47 U.S.C., Section 227(c)(3), the attorney general shall include that part of such single national database that relates to Missouri in the database established pursuant to this section.

4. Information contained in the database established pursuant to this section shall be used only for the purpose of compliance with section 407.1098 and this section or in a proceeding or action pursuant to section 407.1107. Such information shall not be considered a public record pursuant to chapter 610, RSMo.

5. In April, July, October and January of each year, the attorney general shall be encouraged to obtain subscription listings of [consumers] **residential subscribers** in this state who have arranged to be included on any national do-not-call list and add those [names] **telephone numbers** to the state do-not-call list.

6. The attorney general may utilize moneys appropriated from general revenue and moneys appropriated from the merchandising practices revolving fund established in section 407.140 for the purposes of establishing and operating the state no-call database.

7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 407.1095 to 407.1110 shall become effective only if it complies with and

is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

407.1104. 1. Any person or entity who makes a telephone solicitation to [the telephone line of] any residential subscriber in this state shall, at the beginning of such [call] **solicitation**, state clearly the identity of the person or entity initiating the [call] **solicitation**.

2. No person or entity who makes a telephone solicitation [to the telephone line of a residential subscriber] **or automated call** in this state shall knowingly use any method to block or otherwise circumvent [such] **any** subscriber's use of a caller identification service.

407.1107. 1. The attorney general may initiate proceedings relating to a knowing violation or threatened knowing violation of section 407.1098 or 407.1104. Such proceedings may include, without limitation, an injunction, a civil penalty up to a maximum of five thousand dollars for each knowing violation and additional relief in any court of competent jurisdiction. The attorney general may issue investigative demands, issue subpoenas, administer oaths and conduct hearings in the course of investigating a violation of section 407.1098 or 407.1104.

2. In addition to the penalties provided in subsection 1 of this section, any person or entity that violates section 407.1104 shall be subject to all penalties, remedies and procedures provided in sections 407.010 to 407.130. The remedies available in this section are cumulative and in addition to any other remedies available by law.

3. Any person who has received more than one telephone solicitation **or automated call** within any twelve-month period by or on behalf of the same person or entity in violation of section 407.1098 or 407.1104 may either:

(1) Bring an action to enjoin such violation;

(2) Bring an action to recover for actual monetary loss from such knowing violation or to receive up to five thousand dollars in damages for each such knowing violation, whichever is greater; or

(3) Bring both such actions.

4. It shall be a defense in any action or proceeding brought pursuant to this section that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent telephone solicitations **or automated calls** in violation of section 407.1098 or 407.1104.

5. No action or proceeding may be brought pursuant to this section:

(1) More than two years after the person bringing the action knew or should have known of the occurrence of the alleged violation; or

(2) More than two years after the termination of any proceeding or action arising out of the same violation or violations by the state of Missouri, whichever is later.

6. A court of this state may exercise personal jurisdiction over any nonresident or his or her executor or administrator as to an action or proceeding authorized by this section in the manner otherwise provided by law.

7. The remedies, duties, prohibitions and penalties of sections 407.1095 to [407.1104] **407.1107** are not exclusive and are in addition to all other causes of action, remedies and penalties provided by law.

8. No provider of telephone caller identification service shall be held liable for violations of section 407.1098 or 407.1104 committed by other persons or entities.

9. [Section 407.1104 and this section shall take effect on July 1, 2001.] **When a residential subscriber does not answer a call defined in paragraph (c) of subdivision (1) of section 407.1095, it shall not be considered a violation of section 407.1098 or 407.1104 for the automated message to be left on such residential subscriber's answering machine or voice mail message system, provided such automated message is preceded by an announcement of such message by the live operator.**

407.1112. 1. Any person or entity making a political solicitation to any residential subscriber in this state shall clearly state who paid for the solicitation by using the words "This message is paid for by" followed by the proper identification of the sponsor.

(1) In regard to any political solicitation paid for by a candidate, as defined in section 130.011, RSMo, from the candidate's personal funds, it shall be sufficient identification to state the first and last name by which the candidate is known.

(2) In regard to any political solicitation paid for by a committee, it shall be sufficient identification to state the name of the committee as required to be registered by subsection 5 of section 130.021, RSMo, and the name and title of the committee treasurer serving at the time the solicitation is made, and the political affiliation of the committee, if any.

(3) In regard to any political solicitation paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (7) of section 130.011, RSMo, and not organized especially for influencing one or more elections, it shall be sufficient identification to state the name of the entity.

(4) In regard to any solicitation paid for by an individual or individuals, it shall be sufficient identification to state the name of the individual or individuals.

2. No person or entity shall accept for the making of a political solicitation or make such solicitation until the solicitation meets the requirements of this section. Such person or entity shall maintain a record of the name and address of the person or entity who purchased or requested such services and the amount paid for such services. The record required by this subsection shall be kept for a period of two years after the date upon which payment was received for such services.

3. Notwithstanding the provisions of sections 105.955 and 105.957, RSMo, to the contrary, any residential subscriber who receives a political solicitation in violation of this section may file a complaint with the Missouri ethics commission. The Missouri ethics commission shall address any complaint filed under this section in the same manner as it addresses violations of subsection 8 of section 130.031, RSMo.

4. Any committee making a political solicitation under the provisions of this section shall be registered with the Missouri ethics commission.

5. Any entity described in subdivision (3) of subsection 1 of this section making an automated call for the purpose of making a political solicitation, as the terms "automated call" and "political solicitation" are defined in section 407.1095 the cost of which individually or in aggregate exceeds five

hundred dollars, shall register with the secretary of state and the Missouri ethics commission prior to making any such automated political solicitation. Any such solicitation by the entity shall additionally state who engaged the organization to make the solicitation.

407.1113. In addition to any other information provided to a candidate at the time such candidate files for an elective office with the secretary of state, the secretary of state shall provide a summary of the provisions of section 407.1112 to the candidate.

407.1115. Any entity making a radio advertisement that is made for the purpose of promoting, advertising, or campaigning for or against a political candidate or political issue that gives out the phone number of an elected official and requests that listeners contact the official by telephone shall register with the Missouri ethics commission and shall disclose the identity of the entity or person paying for such advertisement.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above substitute amendment be adopted.

Senator Days offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 840 and 857, Page 2, Section 407.1095, Lines 11-12, by striking all of said lines from the amendment and relettering the remaining paragraphs accordingly; and

Further amend said amendment, page 9, section 407.1107, lines 5-11 by striking all of the underlined words on said lines.

Senator Days moved that the above amendment be adopted, which motion prevailed.

SSA 1 for **SA 1**, as amended, was again taken up.

Senator Shields requested a roll call vote be taken on the adoption of **SSA 1** for **SA 1**, as amended, and was joined in his request by Senators Coleman, McKenna, Gibbons and Shoemyer.

On motion of Senator Green, **SSA 1** for **SA 1**, as amended, was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Coleman	Crowell	Days	Dempsey
Gibbons	Green	Griesheimer	Justus	Kennedy	Koster	Lager	Mayer
McKenna	Shoemyer	Smith	Vogel	Wilson—21			

NAYS—Senators

Clemens	Engler	Loudon	Nodler	Rupp	Scott	Shields	Stouffer—8
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Absent—Senators

Goodman	Graham	Purgason—3
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Absent with leave—Senators

Bartle	Ridgeway—2
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Vacancies—None

At the request of Senator Engler, **SB 840** and **SB 857**, with **SCS** and **SS** for **SCS**, as amended (pending), were placed on the Informal Calendar.

Senator Stouffer moved that **SB 811**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 811**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 811

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for the use of idle reduction technology.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 811** be adopted.

Senator Shields requested unanimous consent of the Senate to allow members of the Water Patrol to enter the Chamber with side arms, which request was granted.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 811, Page 1, In the Title, Lines 2-3, of the title, by striking “a tax credit for the use of idle reduction technology” and inserting in lieu thereof the following: “state tax credits”; and

Further amend said bill, Page 3, Section 135.670, Line 67, by inserting after all of said line the following:

“135.1200. Sections 135.1200 to 135.1210 shall be known and may be cited as the “Missouri Special Needs Scholarship Tax Credit Program”.

135.1202. 1. As used in sections 135.1200 to 135.1210, the following terms mean:

(1) “Autism spectrum disorder”, pervasive developmental disorder; Asperger's syndrome; childhood disintegrative disorder; Rett's syndrome; and autism;

(2) “Contribution”, a donation of cash, stock, bonds, or other marketable securities, or real property;

(3) “Department”, the department of economic development;

(4) “Director”, the director of the department of economic development;

(5) “Educational scholarships”, grants to students to cover all or part of the costs at either a qualified non-public school or a qualified public school, including transportation;

(6) “Eligible student”, any elementary or secondary student who attended public school in Missouri the preceding semester, or who will be attending school for the first time, with an individualized education program, including but not limited to students who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, diagnosed with an autism spectrum disorder, or hospitalized or homebound due to illness or disability;

(7) “Parent”, includes a guardian, custodian or other person with authority to act on behalf of the child;

(8) “Program”, the Missouri special needs scholarship tax credit program;

(9) “Qualified school”, either a public elementary or secondary school outside of the district in which a student resides or a non-public elementary or secondary school in Missouri that complies with all of the requirements of the program and complies with all state laws that apply to non-public schools regarding criminal background checks for employees and exclude from employment any person not permitted by state law to work in a non-public school;

(10) “Scholarship granting organization”, a charitable organization which is exempt from federal income tax that complies with the requirements of this program and provides education scholarships to students attending qualified schools of their parents' choice;

(11) “State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;

(12) “Taxpayer”, a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, RSMo.

2. For all tax years beginning on or after January 1, 2008, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to eighty percent of the amount such taxpayer contributed to a scholarship granting organization. No taxpayer shall be issued more than eight hundred thousand dollars in tax credits authorized under this section per tax year.

3. The amount of the tax credit claimed shall not exceed fifty percent of a taxpayer's state tax liability for the taxable year for which the credit is claimed. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. The director shall determine, at least annually, which organizations in this state may be classified as scholarship granting organizations. The director may require of an organization seeking to be classified as a scholarship granting organization whatever information which is reasonably necessary to make such a determination. The director shall classify an organization as a scholarship granting organization if such organization meets the definition set forth in subsection 1 of this section.

5. The director shall establish a procedure by which a taxpayer can determine if an organization

has been classified as a scholarship granting organization. Scholarship granting organizations shall be permitted to decline a contribution from a taxpayer.

6. Each scholarship granting organization shall provide information to the director concerning the identity of each taxpayer making a contribution to the scholarship granting organization who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057, RSMo, relating to the disclosure of tax information.

7. Notwithstanding any other law to the contrary, any tax credits granted under this section may be assigned, transferred, sold, or otherwise conveyed without consent or approval. Such taxpayer, hereinafter the assignor for purposes of this section, may sell, assign, exchange, or otherwise transfer earned tax credits:

- (1) For no less than seventy-five percent of the par value of such credits; and
- (2) In an amount not to exceed one hundred percent of annual earned credits.

8. Notwithstanding any provision of law to the contrary, any eligible student who receives an educational scholarship under the provisions of this section and, as a result, attends a non-public school, shall be enumerated in the weighted average daily attendance calculation of the public school district which the student attended immediately prior to receiving the educational scholarship for each academic year in which the student receives the educational scholarship.

9. Notwithstanding any provision of law to the contrary, nothing contained in sections 135.1200 to 135.1210 shall reduce state funding for any public school district.

135.1204. 1. Each scholarship granting organization participating in the program under sections 135.1200 to 135.1210 shall:

- (1) Notify the department of its intent to provide educational scholarships to students attending qualified schools;
- (2) Provide a department-approved receipt to taxpayers for contributions made to the organization;
- (3) Ensure that at least ninety percent of its revenue from donations is spent on educational scholarships, and that all revenue from interest or investments is spent on educational scholarships;
- (4) Distribute periodic scholarship payments as checks made out to a student's parent and mailed to the qualified school where the student is enrolled. The parent or guardian must endorse the check before it can be deposited;
- (5) Cooperate with the department to conduct criminal background checks on all of its employees and board members and exclude from employment or governance any individual who might reasonably pose a risk to the appropriate use of contributed funds;
- (6) Ensure that scholarships are portable during the school year and can be used at any qualified school that accepts the eligible student according to a parent's wishes. If a student moves to a new qualified school during a school year, the scholarship amount may be prorated;
- (7) Demonstrate its financial accountability by:

(a) Submitting a financial information report for the organization that complies with uniform financial accounting standards established by the department and conducted by a certified public accountant; and

(b) Having the auditor certify that the report is free of material misstatements;

(8) Demonstrate its financial viability, if the organization is to receive donations of fifty thousand dollars or more during the school year, by filing with the department prior to the start of the school year:

(a) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(b) Financial information that demonstrates the financial viability of the scholarship granting organization.

2. Each scholarship granting organization shall ensure participating schools that accept its scholarship students shall:

(1) Comply with all health and safety laws or codes that apply to non-public schools;

(2) Hold a valid occupancy permit if required by their municipality;

(3) Certify that it will comply with 42 U.S.C. 1981; and

(4) Provide academic accountability to parents of the students in the program by regularly reporting to the parent on the student's progress.

3. Scholarship granting organizations shall not provide educational scholarships for students to attend any school with paid staff or board members who are relatives within the first degree of consanguinity or affinity.

4. A scholarship granting organization shall publicly report to the department, by June first of each year, the following information prepared by a certified public accountant regarding their grants in the previous calendar year:

(1) The name and address of the scholarship granting organization;

(2) The total number and total dollar amount of contributions received during the previous calendar year; and

(3) The total number and total dollar amount of educational scholarships awarded during the previous calendar year, and the total number and total dollar amount of educational scholarships awarded during the previous year to students eligible for free and reduced lunch.

135.1206. 1. The department shall adopt rules and regulations consistent with sections 135.1200 to 135.1210 as necessary to implement the program.

2. The department shall provide a standardized format for a receipt to be issued by a scholarship granting organization to a taxpayer to indicate the value of a contribution received. The department shall require a taxpayer to provide a copy of this receipt when claiming the Missouri special needs scholarship tax credit.

3. The department shall provide a standardized format for scholarship granting organizations to report the information in section 135.1204.

4. The department may conduct either a financial review or audit of a scholarship granting organization.

5. If the department believes that a scholarship granting organization has intentionally and substantially failed to comply with the requirements of section 135.1204, the department may hold a hearing before the director, or his or her designee, to bar a scholarship granting organization from participating in the program. The director, or his or her designee, shall issue a decision within thirty days. A scholarship granting organization may appeal the director's decision to the administrative hearing commission for a hearing in accordance with the provisions of chapter 621, RSMo.

6. If the scholarship granting organization is barred from participating in the program, the department shall notify affected scholarship students and their parents of this decision within fifteen days.

7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

135.1208. 1. The department shall conduct a study of the program with funds other than state funds. The department may contract with one or more qualified researchers who have previous experience evaluating similar programs. The department may accept grants to assist in funding this study.

2. The study shall assess:

(1) The level of participating students' satisfaction with the program;

(2) The level of parental satisfaction with the program;

(3) The percentage of participating students who were bullied or harassed because of their special needs status at their resident school district compared to the percentage so bullied or harassed at their qualified school;

(4) The percentage of participating students who exhibited behavioral problems at their resident school district compared to the percentage exhibiting behavioral problems at their qualified school;

(5) The class size experienced by participating students at their resident school district and at their qualified school; and

(6) The fiscal impact to the state and resident school districts of the program.

3. The study shall be completed using appropriate analytical and behavioral sciences methodologies to ensure public confidence in the study.

4. The department shall provide the general assembly with a final copy of the evaluation of the program by December 31, 2009.

5. The public and non-public participating schools from which students transfer to participate in the program shall cooperate with the research effort by providing student assessment instrument

scores and any other data necessary to complete this study.

6. The general assembly may require periodic updates on the status of the study from the department. The individuals completing the study shall make their data and methodology available for public review while complying with the requirements of the Family Educational Rights and Privacy Act.

135.1210. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under sections 135.1200 to 135.1210 shall sunset automatically six years after the effective date of sections 135.1200 to 135.1210 unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under sections 135.1200 to 135.1210 shall sunset automatically twelve years after the effective date of the reauthorization of sections 135.1200 to 135.1210; and

(3) Sections 135.1200 to 135.1210 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 135.1200 to 135.1210 is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

Senator Stouffer raised the point of order that **SA 1** is out of order as it goes beyond the title of the bill.

The point of order was referred to the President Pro Tem who took it under advisement, which placed the bill back on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Griesheimer.

RESOLUTIONS

Senator Champion offered Senate Resolution No. 2251, regarding Saint Agnes Cathedral, Springfield, which was adopted.

Senators Days and Bray offered Senate Resolution No. 2252, regarding the Sixtieth Anniversary of the city of Saint Ann, which was adopted.

Senator Days offered Senate Resolution No. 2253, regarding JoAnn C. Donovan, which was adopted.

Senator Crowell offered Senate Resolution No. 2254, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles “Pink” Hutson, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 2255, regarding Martha Dodson, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2256, regarding Tim Pensel, Cape Girardeau, which was adopted.

Senator Barnitz offered Senate Resolution No. 2257, regarding Bradley Boeckmann, Linn, which was

adopted.

Senator Barnitz offered Senate Resolution No. 2258, regarding David Dawson, Salem, which was adopted.

Senator Engler offered Senate Resolution No. 2259, regarding Kyle Brown, Potosi, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 1107**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SB 1150**, with **SCS**; and **SS** for **SCS** for **SBs 761** and **774**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SB 1105, with **SCS**, introduced by Senator Coleman, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax check-off for contributions to the Breast Cancer Awareness Trust Fund.

Was called from the Consent Calendar and taken up.

SCS for **SB 1105**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1105

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax check-off for contributions to the Breast Cancer Awareness Trust Fund.

Was taken up.

Senator Coleman moved that **SCS** for **SB 1105** be adopted, which motion prevailed.

On motion of Senator Coleman, **SCS** for **SB 1105** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Engler—1

Absent with leave—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1150, with **SCS**, introduced by Senator Barnitz, entitled:

An Act to repeal sections 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-528, and 417.018, RSMo, and to enact in lieu thereof seven new sections relating to fees credited to the technology trust fund.

Was called from the Consent Calendar and taken up.

SCS for **SB 1150**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1150

An Act to repeal sections 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-528, and 417.018, RSMo, and to enact in lieu thereof seven new sections relating to fees credited to the technology trust fund.

Was taken up.

Senator Barnitz moved that **SCS** for **SB 1150** be adopted, which motion prevailed.

On motion of Senator Barnitz, **SCS** for **SB 1150** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Barnitz, title to the bill was agreed to.

Senator Barnitz moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1157, with **SCS**, introduced by Senator Green, entitled:

An Act to authorize the conveyance of property owned by the state of Missouri in the city of St. Louis, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 1157**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1157

An Act to authorize the conveyance of property owned by the state of Missouri in St. Louis County, with an emergency clause.

Was taken up.

Senator Green moved that **SCS** for **SB 1157** be adopted, which motion prevailed.

On motion of Senator Green, **SCS** for **SB 1157** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Bray Coleman—2

Absent with leave—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

On motion of Senator Green, title to the bill was agreed to.

Senator Green moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1209, with **SCS**, introduced by Senator Callahan, entitled:

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to a local sales tax for the promotion of tourism.

Was called from the Consent Calendar and taken up.

SCS for **SB 1209**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1209

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to a local sales tax for the promotion of tourism.

Was taken up.

Senator Callahan moved that **SCS** for **SB 1209** be adopted, which motion prevailed.

On motion of Senator Callahan, **SCS** for **SB 1209** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Coleman	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Barnitz Clemens—2

Absent with leave—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Callahan, title to the bill was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1153, SB 1154, SB 1155 and **SB 1156**, with **SCS**, introduced by Senator Crowell, entitled respectively:

An Act to repeal sections 169.130 and 169.650, RSMo, and to enact in lieu thereof two new sections relating to association admission for teacher and school employee retirement systems.

An Act to amend chapter 169, RSMo, by adding thereto one new section relating to the indemnification for teacher and school employee retirement systems.

An Act to repeal sections 169.040 and 169.630, RSMo, and to enact in lieu thereof two new sections relating to the investment of funds for teacher and school employee retirement systems.

An Act to repeal sections 169.020, 169.040, 169.056, 169.070, 169.090, 169.130, 169.630, 169.650, 169.655, 169.670, and 169.690, RSMo, and to enact in lieu thereof twelve new sections relating to teacher and school employee retirement systems.

Were called from the Consent Calendar and taken up.

SCS for **SBs 1153, 1154, 1155** and **1156**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1153, 1154, 1155 and 1156

An Act to repeal sections 169.020, 169.040, 169.056, 169.070, 169.090, 169.130, 169.630, 169.650, 169.655, 169.670, and 169.690, RSMo, and to enact in lieu thereof twelve new sections relating to teacher and school employee retirement systems.

Was taken up.

Senator Crowell moved that **SCS** for **SBs 1153, 1154, 1155** and **1156** be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS** for **SBs 1153, 1154, 1155** and **1156** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Coleman	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Barnitz Clemens—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1168, with **SCS**, introduced by Senators Dempsey and Smith, entitled:

An Act to repeal section 385.050, RSMo, and to enact in lieu thereof one new section relating to premium refund calculations for credit insurance.

Was called from the Consent Calendar and taken up by Senator Dempsey.

SCS for **SB 1168**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1168

An Act to repeal section 385.050, RSMo, and to enact in lieu thereof one new section relating to premium refund calculations for credit insurance.

Was taken up.

Senator Dempsey moved that **SCS** for **SB 1168** be adopted, which motion prevailed.

On motion of Senator Dempsey, **SCS** for **SB 1168** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 733, introduced by Senators Champion and Gibbons, entitled:

An Act to repeal section 650.100, RSMo, and to enact in lieu thereof two new sections relating to crime laboratories.

Was called from the Consent Calendar and taken up by Senator Champion.

On motion of Senator Champion, **SB 733** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 932, introduced by Senator Loudon, entitled:

An Act to repeal section 650.120, RSMo, and to enact in lieu thereof one new section relating to Internet sex crimes investigation grant program.

Was called from the Consent Calendar and taken up.

On motion of Senator Loudon, **SB 932** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 976, introduced by Senator Ridgeway, entitled:

An Act to repeal sections 621.250 and 640.013, RSMo, and to enact in lieu thereof two new sections relating to certain appeals to be heard by the administrative hearing commission.

Was called from the Consent Calendar and taken up.

On motion of Senator Ridgeway, **SB 976** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1074, introduced by Senators Dempsey and Graham, entitled:

An Act to repeal section 429.015, RSMo, and to enact in lieu thereof one new section relating to liens for architects, professional engineers, land surveyors, and landscape architects.

Was called from the Consent Calendar and taken up by Senator Dempsey.

On motion of Senator Dempsey, **SB 1074** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1185, with **SCS**, introduced by Senators Gibbons and Bartle, entitled:

An Act to repeal sections 229.110, 302.311, 302.750, 545.490, 550.050, 550.070, 550.080, 550.090, 566.147, 575.030, 575.100, 575.150, 575.260, 577.041, and 589.400, RSMo, and to enact in lieu thereof ten new sections relating to crime, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Gibbons.

SCS for **SB 1185**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1185

An Act to repeal sections 229.110, 302.311, 302.750, 550.050, 550.070, 550.080, 550.090, and 577.041, RSMo, and to enact in lieu thereof three new sections relating to prosecutors, with penalty provisions.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 1185** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 1185** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senator Callahan—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1235, with **SCS**, introduced by Senator Justus, entitled:

An Act to repeal sections 362.550 and 456.8-816, RSMo, and to enact in lieu thereof two new sections relating to the Missouri uniform trust code.

Was called from the Consent Calendar and taken up.

SCS for **SB 1235**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1235

An Act to repeal sections 362.550, 456.8-802, and 456.8-816, RSMo, and to enact in lieu thereof three new sections relating to the Missouri uniform trust code.

Was taken up.

Senator Justus moved that **SCS** for **SB 1235** be adopted, which motion prevailed.

On motion of Senator Justus, **SCS** for **SB 1235** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1261, with **SCS**, introduced by Senator Bray, entitled:

An Act to amend chapter 251, RSMo, by adding thereto one new section relating to collaboration among state departments to secure federal energy independence grants.

Was called from the Consent Calendar and taken up.

SCS for SB 1261, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1261

An Act to amend chapter 251, RSMo, by adding thereto one new section relating to collaboration among state departments to secure federal energy independence grants.

Was taken up.

Senator Bray moved that **SCS for SB 1261** be adopted, which motion prevailed.

On motion of Senator Bray, **SCS for SB 1261** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Bray, title to the bill was agreed to.

Senator Bray moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 928, introduced by Senator Green, entitled:

An Act to repeal section 392.410, RSMo, and to enact in lieu thereof one new section relating to the public service commission.

Was called from the Consent Calendar and taken up.

On motion of Senator Green, **SB 928** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Green, title to the bill was agreed to.

Senator Green moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 839, introduced by Senator Engler, entitled:

An Act to repeal section 177.088, RSMo, and to enact in lieu thereof one new section relating to the transfer of title to real property for school districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Engler, **SB 839** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1225 and **SB 1226**, with **SCS**, introduced by Senator Mayer, entitled respectively:

An Act to repeal section 162.961, RSMo, and to enact in lieu thereof one new section relating to special education due process hearings.

An Act to repeal section 162.963, RSMo, and to enact in lieu thereof one new section relating to special education due process hearings.

Were called from the Consent Calendar and taken up.

SCS for SBs 1225 and 1226, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1225 and 1226**

An Act to repeal sections 162.961 and 162.963, RSMo, and to enact in lieu thereof two new sections relating to special education due process hearings.

Was taken up.

Senator Mayer moved that **SCS for SBs 1225 and 1226** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS for SBs 1225 and 1226** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Rupp moved that **SB 846**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for SB 846, as amended, was again taken up.

Senator Lager assumed the Chair.

Senator Rupp offered **SS for SCS for SB 846**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 846**

An Act to repeal sections 160.545, 173.256, and 173.258, RSMo, and to enact in lieu thereof three new sections relating to higher education scholarships.

Senator Rupp moved that **SS** for **SCS** for **SB 846** be adopted.

Senator Bray offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 846, Page 7, Section 173.258, Line 15, by inserting after all of said line the following:

“173.392. 1. There is hereby created in the state treasury a fund to be known as the “Lewis and Clark Discovery Fund”. The state treasurer shall deposit to the credit of the fund all moneys which may be distributed to it by the authority, appropriated to it by the general assembly, and any gifts, contributions, grants, or bequests received from federal, private, or other sources for deposit into the fund. The office of administration shall administer the fund. The moneys in the fund shall only be used for any purpose enumerated in subsection 2 of this section. The moneys in the fund may be appropriated by the general assembly, but only for any purpose enumerated in subsection 2 of this section. None of the moneys in the fund shall be considered state funds unless and to the extent such moneys are appropriated by the general assembly.

2. The general assembly may annually appropriate moneys from the Lewis and Clark discovery fund only for the following purposes:

(1) To support funding of capital projects at public colleges and universities [, provided that moneys shall not be appropriated to any public college or university that knowingly employs, as of September 1, 2007, any person, as a professor or instructor, required to be registered under sections 589.400 to 589.425, RSMo]; and

(2) To support funding for the Missouri technology corporation's ability to work with colleges and universities in identifying opportunities for commercializing technologies, transferring technologies, and to develop, recruit, and retain entities engaged in innovative technologies.

3. Moneys in the fund shall be invested by the state treasurer in the manner prescribed by law for investment of general revenue funds and any interest earned on invested moneys shall accrue to the benefit of the Lewis and Clark discovery fund and shall reduce payments by the authority pursuant to subsection 2 of section 173.385. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the Missouri Lewis and Clark discovery fund shall not revert to the credit of the general revenue fund at the end of the biennium.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Shields requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Dempsey, Ridgeway, Rupp and Vogel.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bray Smith—2

NAYS—Senators

Barnitz Bartle Callahan Champion Coleman Crowell Dempsey Engler

Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—30		

Absent—Senators

Clemens Days—2

Absent with leave—Senators—None

Vacancies—None

Senator Coleman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 846, Page 3, Section 160.545, Line 7, by inserting after all of said line the following:

“3. A school district may participate in the program irrespective of its accreditation classification by the state board of education, provided it meets all other requirements.”; and

Further renumber the remaining subsections accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Rupp moved that **SS** for **SCS** for **SB 846**, as amended, be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SCS** for **SB 846**, as amended, was declared perfected and ordered printed.

Senator Rupp moved that **SB 768**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 768**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 768

An Act to amend chapter 633, RSMo, by adding thereto one new section relating to the Missouri commission on autism spectrum disorders.

Was taken up.

Senator Rupp moved that **SCS** for **SB 768** be adopted.

Senator Rupp offered **SS** for **SCS** for **SB 768**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 768

An Act to amend chapter 633, RSMo, by adding thereto two new sections relating to autism spectrum disorders as addressed by the department of mental health.

Senator Rupp moved that **SS** for **SCS** for **SB 768** be adopted.

Senator Koster offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 768, Page 1, In the Title, Lines 3-4, by striking the words “as addressed by the department of mental health”; and

Further amend said bill, page 1, section A, line 3 by inserting immediately after all of said line the following:

“376.1224. 1. For purposes of this section, the following terms shall mean:

(1) “Applied behavior analysis”, the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relations between environment and behavior;

(2) “Autism service provider”, any person, entity, or group that provides treatment of autism spectrum disorders;

(3) “Autism spectrum disorders”, a neurobiological disorder that includes any of the pervasive developmental disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, including Autistic Disorder, Asperger’s Disorder, Rett’s Syndrome, Childhood Disintegrative Disorder, and Pervasive Developmental Disorder Not Otherwise Specified;

(4) “Carrier”, shall have the meaning ascribed to such term in subdivision (6) of subsection 2 of section 379.930;

(5) “Diagnosis of autism spectrum disorders”, medically necessary assessments, evaluations, or tests in order to diagnose whether an individual has an autism spectrum disorder;

(6) “Evidence-based research”, research that applies rigorous, systematic, and objective procedures to obtain valid knowledge relevant to autism spectrum disorders;

(7) “Habilitative or rehabilitative care”, professional, counseling, and guidance services and treatment programs, including applied behavior analysis, that are necessary to develop, maintain, and restore, to the maximum extent practicable, the functioning of an individual;

(8) “Medically necessary”, any care, treatment, intervention, service, or item that is prescribed, provided, or ordered by a licensed physician or a licensed psychologist in accordance with accepted standards of practice and that will, or is reasonably expected to, do any of the following:

(a) Prevent the onset of an illness, condition, injury, or disability;

(b) Reduce or ameliorate the physical, mental, or developmental effects of an illness, condition, injury, or disability; or

(c) Assist to achieve or maintain maximum functional capacity in performing daily activities, taking into account both the functional capacity of the individual and the functional capacities that are appropriate for individuals of the same age;

(9) “Neurobiological disorder”, an illness of the nervous system caused by genetic, metabolic or other biological factors;

(10) “Pharmacy care”, medications prescribed by a licensed physician and any health-related

services deemed medically necessary to determine the need or effectiveness of the medications;

(11) “Small employer”, shall have the meaning ascribed to such term in section 379.930.2(34);

(12) “Therapeutic care”, services provided by licensed or certified speech therapists, occupational therapists, or physical therapists;

(13) “Treatment for autism spectrum disorders”, shall include the following care prescribed, provided, or ordered for an individual diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, or certified registered nurse practitioner if the care is determined to be medically necessary:

(a) Psychiatric care;

(b) Psychological care;

(c) Habilitative or rehabilitative care;

(d) Therapeutic care;

(e) Pharmacy care;

(f) Nutritional supplements;

(g) Applied behavior analysis therapy;

(h) Any care, treatment, intervention, service or item for individuals with an autism spectrum disorder which is determined by the department of health and senior services, based upon its review of best practices or evidenced-based research, to be medically necessary.

2. Each carrier or health benefit plan that offers or issues health benefit plans which are amended, delivered, issued, or renewed after January 1, 2009, shall provide individuals under twenty-one years of age coverage for the diagnosis of autism spectrum disorders and for the treatment of autism spectrum disorders to the extent that the diagnosis and treatment of autism spectrum disorders are not already covered by the policy of accident and health insurance or managed care plan.

3. With regards to a health benefit plan, a carrier shall not deny or refuse to issue coverage on, refuse to contract with, refuse to renew, or refuse to reissue or otherwise terminate or restrict coverage on an individual solely because the individual is diagnosed with an autism spectrum disorder.

4. Coverage provided under this section for applied behavior analysis shall be subject to a maximum benefit of fifty thousand dollars per year, but shall not be subject to any limits on the number of visits to an autism service provider. After December 30, 2008, the director of the department of insurance, financial and professional registration shall, on an annual basis, adjust the maximum benefit for inflation using the Medical Care Component of the United States Department of Labor Consumer Price Index for All Urban Consumers. Payments made by an insurer on behalf of a covered individual for any care, treatment, intervention, service, or item, the provision of which was for the treatment of a health condition unrelated to the covered individual's autism spectrum disorder, shall not be applied toward any maximum benefit established under this subsection.

5. Coverage under this section shall be subject to co-payment, deductible, and coinsurance

provisions of a health benefit plan to the extent that other medical services covered by the policy of health benefit plan are subject to these provisions.

6. This section shall not be construed as limiting benefits which are otherwise available to an individual under a health benefit plan. The health care services required by this section shall not be subject to any greater deductible or co-payment than other health care services provided by a health benefit plan.

7. The department of health and senior services shall establish standards to be utilized by health benefit plans for the credentialing of autism service providers. The department of health and senior services may require that health benefit plans grant credentials to any autism services provider whom the department of health and senior services determines meets or exceeds the department of health and senior services' credentialing standards.

8. Except for inpatient services, if an individual is receiving treatment for an autism spectrum disorder, a health benefit plan will have the right to request a review of that treatment not more than once every six months unless the health benefit plan and the individual's licensed physician or licensed psychologist agrees that a more frequent review is necessary. The cost of obtaining any review will be borne by the carrier.

9. This section shall not apply to health benefit plans offered solely to an individual or through a small employer.”; and

Further amend the title and enacting clause accordingly.

Senator Koster moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 1** is out of order as it goes beyond the title and scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Rupp moved that **SS** for **SCS** for **SB 768** be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SCS** for **SB 768**, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1348**, entitled:

An Act to repeal section 84.240, RSMo, relating to duties of the board of police commissioners.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1532**, entitled:

An Act to amend chapter 307, RSMo, by adding thereto one new section relating to motorcycle

headlight modulators.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1888**, entitled:

An Act to repeal sections 89.080, 89.090, and 305.410, RSMo, and to enact in lieu thereof three new sections relating to airport zoning.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1574**, entitled:

An Act to repeal sections 57.967 and 57.980, RSMo, and to enact in lieu thereof two new sections relating to sheriffs' retirement.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1608**, entitled:

An Act to repeal section 50.172, RSMo, and to enact in lieu thereof one new section relating to preservation of county documents.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1972**, entitled:

An Act to repeal sections 169.130 and 169.650, RSMo, and to enact in lieu thereof two new sections relating to the public school and public education employee retirement systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1973**, entitled:

An Act to amend chapter 169, RSMo, by adding thereto one new section relating to the indemnification

of the public school and public education employee retirement systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1450**, entitled:

An Act to repeal section 21.800, RSMo, and to enact in lieu thereof one new section relating to the joint committee on terrorism, bioterrorism, and homeland security.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1368**, entitled:

An Act to repeal section 174.332, RSMo, and to enact in lieu thereof one new section relating to Northwest Missouri State University.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1689**, entitled:

An Act to repeal sections 286.200, 286.205, and 286.210, RSMo, and to enact in lieu thereof three new sections relating to the governor's council on disability.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2055**, entitled:

An Act to repeal sections 86.107 and 86.590, RSMo, and to enact in lieu thereof two new sections relating to investments by the board of trustees of police and firemen's pension systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 2056**, entitled:

An Act to repeal sections 169.040 and 169.630, RSMo, and to enact in lieu thereof two new sections

relating to the investment of funds for the public school and public education employee retirement systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1358**, entitled:

An Act to repeal sections 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, and 452.550, RSMo, and to enact in lieu thereof fifty new sections relating to child custody jurisdiction and enforcement.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1422**, entitled:

An Act to repeal sections 390.071 and 622.095, RSMo, and to enact in lieu thereof one new section relating to unified carrier registration.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1469**, entitled:

An Act to repeal sections 621.250 and 640.013, RSMo, and to enact in lieu thereof two new sections relating to the administrative hearing commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1805**, entitled:

An Act to repeal section 354.535, RSMo, and to enact in lieu thereof two new sections relating to insurance co-payments for prescription drugs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HB 1983**, entitled:

An Act to amend chapter 351, RSMo, by adding thereto two new sections relating to business organizations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1426**, entitled:

An Act to repeal section 392.410, RSMo, and to enact in lieu thereof one new section relating to the public service commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1690**, entitled:

An Act to repeal section 379.118, RSMo, and to enact in lieu thereof three new sections relating to the transmission of insurance-related information in specific formats.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1876** and **1877**, entitled:

An Act to repeal sections 162.961 and 162.963, RSMo, and to enact in lieu thereof two new sections relating to special education due process hearings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2065**, entitled:

An Act to repeal section 337.029, RSMo, and to enact in lieu thereof one new section relating to the state committee of psychologists.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1616**, entitled:

An Act to repeal section 339.010, RSMo, and to enact in lieu thereof one new section relating to real estate brokers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2081**, entitled:

An Act to repeal section 333.011, RSMo, and to enact in lieu thereof one new section relating to the state board of embalmers and funeral directors.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1611**, entitled:

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to a children's bill of courtroom rights.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1677**, entitled:

An Act to repeal section 70.600, RSMo, and to enact in lieu thereof two new sections relating to the Missouri local government employees' retirement system.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Ridgeway offered Senate Resolution No. 2260, regarding Zachary Webster Glazer, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Bartle introduced to the Senate, two hundred hospice volunteers and staff from Missouri

Hospice and Palliative Care Association from around the state.

Senator Justus introduced to the Senate, Dr. Elaine Joslysn, D.O., Dr. Bruce Williams, D.O., and students Erika Helgersen, Katie Warner and Mary Stever, Kansas City University of Medicine and Biosciences, College of Osteopathic Medicine.

Senator Graham introduced to the Senate, Coach Jill Nagel, parents, families, supporters and members of the 2008 Girls 5A Missouri State Champion Rock Bridge basketball team, Columbia.

Senator Loudon introduced to the Senate, Vivian and Steve Peterson, Stephanie, Chloe and Hunter Boden and Clif and Bev Ehlen, Warrenton; Matt Ehlen, St. Charles; Doug Ehlen, Jefferson City; and Shirley Brown, Hazelwood.

Senator Loudon introduced to the Senate, members of Thistle and Clover chapter of Scottish St. Andrews Society, Rolla.

Senator Lager introduced to the Senate, Stephanie Briscoe, her husband, Tom and their children, Andrea, Evelyn, Thomas and Salvator, Lathrop; and Evelyn and Thomas were made honorary pages.

Senator Coleman introduced to the Senate, Jamaal Phillips, St. Louis, 2008 Missouri Youth of the Year; finalists Brandon Crouse, Springfield; Morgan Petitt, Branson; Ashley Cole, Kansas City; and Delijiah Eckels and representatives of Boys and Girls Clubs of Missouri.

Senator Shields introduced to the Senate, Jim Pearce, Kari Maag, Laura Bodicky, Jean French and Theresa Malhiwsky, representatives of Hands of Hope Hospice, St. Joseph.

Senator Champion introduced to the Senate, eleven twelfth grade students from Evangel University, Springfield.

Senator Koster introduced to the Senate, representatives of Warrensburg Chamber of Commerce.

Senator Clemens introduced to the Senate, Cooper Rowden, Jefferson City; and Cooper was made an honorary page.

Senator Lager introduced to the Senate, fourth grade students from Hamilton Elementary School.

Senator Scott introduced to the Senate, Philena Scott and Gail Elsey, Lowry City; and Diane Kirchgassner, Clinton, representatives of Twin Lakes Hospice.

Senator Goodman introduced to the Senate, members of Reeds Spring High School Stream Team.

Senator Purgason introduced to the Senate, Sergeant Brian Shelton and Patrolman Brian Foster, officers from the Missouri Water Patrol.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Randall Mueller, M.D., Columbia.

Senator Lager introduced to the Senate, Kathie and Alex Zentgraf, Macon.

Senator Shields introduced to the Senate, students from Hillyard Technical Center, St. Joseph.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

 FORTY-FIFTH DAY—THURSDAY, APRIL 3, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1722	HCS for HB 2056
HCS for HB 1326	HB 1358-Flook, et al
HCS for HJR 43	HB 1422-St. Onge, et al
HB 1348-Portwood and Darrough	HB 1469-Pratt
HB 1532-Davis	HB 1805-Schaaf, et al
HCS for HB 1888	HB 1983-Pratt
HB 1574-Jones (117), et al	HB 1426-Kraus
HB 1608-Ervin	HCS for HB 1690
HB 1972-Franz	HCS for HBs 1876 & 1877
HB 1973-Franz	HB 2065-Wasson
HB 1450-Roorda, et al	HB 1616-Ruzicka, et al
HB 1368-Thomson	HB 2081-Dougherty
HB 1689-Wilson (130)	HCS for HB 1611
HB 2055-Viebrock	HB 1677-Franz

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens (In Fiscal Oversight)	SCS for SBs 930 & 947-Stouffer (In Fiscal Oversight)
SS for SCS for SBs 761 & 774-Stouffer	SCS for SB 873-Graham
SS for SCS for SBs 858, 750, 751, 927, 1186, 1255, 1268 & 1269-Rupp (In Fiscal Oversight)	SCS for SB 1107-Scott, et al

SENATE BILLS FOR PERFECTION

SB 904-Griesheimer, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SJRs 34 & 30-Crowell and
Coleman

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS	SB 990-Champion
SB 713-Gibbons, with SCS	SBs 993 & 770-Crowell, with SCS, SS for
SB 716-Loudon, et al	SCS, SA 4 and SSA 1 for SA 4 (pending)
SB 717-Kennedy and Shields	SB 996-Crowell, with SCS
SB 729-Griesheimer, with SCS	SB 997-Crowell
SB 749-Ridgeway, with SCS	SB 1000-Justus
SB 756-Engler and Rupp, with SCS (pending)	SB 1007-Loudon, with SA 2 (pending)
SB 776-Justus and Koster, with SCS	SBs 1021 & 870-Loudon, et al, with SCS
SB 809-Stouffer, with SCS	SB 1035-Scott, with SCS
SB 811-Stouffer, with SCS, SA 1 & point	SB 1040-Clemens, with SCS
of order (pending)	SB 1046-Mayer
SB 815-Goodman	SB 1052-Rupp
SB 817-Goodman	SB 1054-Dempsey, with SCS
SB 821-Shoemyer, with SCS (pending)	SB 1058-Mayer
SBs 840 & 857-Engler, with SCS & SS for	SB 1067-Ridgeway, et al
SCS (pending)	SB 1081-Nodler and Green, with SCS
SB 865-Rupp and Gibbons, with SCS	SB 1093-Loudon, et al
SB 874-Graham, with SCS	SB 1094-Loudon, with SCS
SB 881-Green	SB 1099-Graham
SBs 909, 954, 934 & 1003-Engler, with SCS	SB 1103-Gibbons
SB 915-Ridgeway	SB 1138-McKenna, with SCS
SB 929-Green and Callahan, with SCS	SBs 1234 & 1270-Shields, with SCS
SB 957-Goodman	SJR 45-Clemens
SBs 982, 834 & 819-Purgason, with SCS	

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2014, with SCS (Nodler)

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Journal of the Senate

SECOND REGULAR SESSION

FORTY-FIFTH DAY—THURSDAY, APRIL 3, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let them praise the name of the Lord, for his name alone is exalted;...” (Psalm 148:13)

Lord God, fill us with Your grace so that we may live in peace with one another and together sing of Your love and mercy. Bind the hearts of Your people in love for one another and end all forms of quarreling and anger that divide us. And bring us safely home to loved ones and may we be found in Your presence this weekend. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 2261, regarding Tyler Hall, Matthews, which was adopted.

CONCURRENT RESOLUTIONS

Senator Ridgeway offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 40

WHEREAS, the U.S. Consumer Product Safety Commission (CPSC) is charged with protecting the public from unreasonable risks of serious injury or death from more than 15,000 types of consumer products under the agency's jurisdiction. The CPSC has rated furniture tip-overs as number 3 of the top 5 hidden home hazards; and

WHEREAS, according to the CPSC, each year an estimated 3,000 children ages 5 and younger nationwide go to the emergency room with injuries caused by television sets falling or tipping over, and at least 100 people - mostly young children - have been killed since 2000 by falling televisions or other furniture; and

WHEREAS, in September of 2006, the CPSC warned parents and caregivers about the dangers of television sets and heavy furniture tipping over and killing young children. From 2000 to 2005, CPSC had reports of 36 television tip-over deaths and 65 furniture tip-over deaths. More than 80% of all these deaths involved young children; and

WHEREAS, the number of deaths due to furniture tip-overs is on the rise. In 2006, the CPSC reported 31 deaths from improperly secured furniture and televisions, with tip-overs resulting in an average of 22 deaths per year; and

WHEREAS, very heavy furniture items can potentially cause crush injuries, but more commonly when a large dresser, shelf, or home entertainment center tips, the resulting injury is often suffocation. Children become pinned between the tipping furniture and the bed or floor, unable to breathe or call for help, making it a nearly silent event; and

WHEREAS, the danger of tipping comes when a child tries to climb the front of a furniture piece. In these accidents, the child attempts to reach the top of the furniture piece by using a bottom drawer or shelf like a step. The weight of the furniture and the child pulling down in the front causes the whole piece to tilt forward. Heavy items on top of the furniture can fall on the child or the furniture piece itself can fall forward onto the child; and

WHEREAS, the committee of the American Society for Testing and Materials (ASTM) met in March 2007 to discuss and revise a proposed standard for testing tipping on dressers, armoires, and drawer chests. However, the ASTM can only establish voluntary standards and the proposed revised standard does not include other types of furniture such as entertainment centers, television stands, or any piece of furniture 30 inches in height or less; and

WHEREAS, while the ASTM, furniture executives, and consumer safety advocates are working together to form voluntary safety standards to address this issue, the increase in tipping furniture deaths and injuries to children demands mandatory regulation regarding labeling, furniture standards, and the use of anchoring devices:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress and the Consumer Product Safety Commission to immediately enact regulations that:

- (1) Strengthen incentives for use of the ASTM International's voluntary furniture safety standard for furniture tip-over hazards;
- (2) Strengthen incentives for use of warning labels on tip-over risks to be posted on all assembled and ready-to-assemble furniture and major appliances;
- (3) Strengthen incentives for all furniture and major appliances with a tip-over risk to come with anchoring devices that can be used to safely secure them to walls; and
- (4) Promote the dissemination of educational material and information to the public regarding furniture tip-over dangers and ease of prevention through the use of safety devices; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Nancy A. Nord, the Acting Chairman of the Consumer Product Safety Commission and each member of Missouri's Congressional delegation.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1807**, entitled:

An Act to repeal sections 162.675, 162.730, 162.740, 162.755, 162.780, 162.785, 162.810, and 168.520, RSMo, and to enact in lieu thereof eight new sections relating to Missouri schools for the severely disabled.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1881**, entitled:

An Act to repeal section 247.060, RSMo, and to enact in lieu thereof one new section relating to county water supply districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1869**, entitled:

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to junior colleges.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1946**, entitled:

An Act to repeal sections 453.072 and 453.073, RSMo, and to enact in lieu thereof two new sections relating to adoption subsidies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2204**, entitled:

An Act to repeal sections 169.141 and 169.715, RSMo, and to enact in lieu thereof two new sections relating to the public school retirement system.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2104**, entitled:

An Act to repeal sections 70.600, 86.107, 86.590, 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130, 169.141, 169.630, 169.650, 169.655, 169.670, 169.673, 169.690, and 169.715, RSMo, and to enact in lieu thereof twenty-one new sections relating to public employee retirement systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2226**, entitled:

An Act to repeal section 166.435, RSMo, and to enact in lieu thereof one new section relating to the income tax deduction for contributions to the Missouri higher education savings program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1784**, entitled:

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to flags flown over state buildings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1419**, entitled:

An Act to repeal section 324.265, RSMo, and to enact in lieu thereof one new section relating to massage therapy.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1706**, entitled:

An Act to repeal section 169.596, RSMo, and to enact in lieu thereof one new section relating to employment of retirees of the public school retirement system.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1707**, entitled:

An Act to amend chapter 177, RSMo, by adding thereto six new sections relating to the procurement of construction by the design-build method by school districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1710**, entitled:

An Act to repeal sections 86.1180, 86.1200, and 86.1560, RSMo, and section 86.1230 as enacted by senate bill no. 172, ninety-fourth general assembly, first regular session, and section 86.1230 as enacted by conference committee substitute no. 2 for house committee substitute no. 2 for senate bill no. 406, ninety-fourth general assembly, first regular session, and to enact in lieu thereof four new sections relating to police retirement.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1617**, entitled:

An Act to amend chapters 362 and 369, RSMo, by adding thereto two new sections relating to irrevocable life insurance trusts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1791**, entitled:

An Act to repeal section 632.005, RSMo, and to enact in lieu thereof one new section relating to licensed professional counselors.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **HB 1804**, entitled:

An Act to repeal section 82.020, RSMo, and to enact in lieu thereof one new section relating to home-rule cities, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1828**, entitled:

An Act to repeal section 144.270, RSMo, and to enact in lieu thereof one new section relating to sales and use tax regulations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1864**, entitled:

An Act to repeal section 313.812, RSMo, and to enact in lieu thereof one new section relating to licenses to operate an excursion gambling boat.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1893**, entitled:

An Act to repeal section 385.050, RSMo, and to enact in lieu thereof one new section relating to premium refund calculations for credit insurance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1883**, entitled:

An Act to repeal section 320.336, RSMo, and to enact in lieu thereof one new section relating to employee job protection.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1904**, entitled:

An Act to repeal section 215.160, RSMo, and to enact in lieu thereof one new section relating to the state housing development commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1910**, entitled:

An Act to repeal section 304.130, RSMo, and to enact in lieu thereof one new section relating to regulation of vehicular traffic.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1995**, entitled:

An Act to repeal section 48.030, RSMo, and to enact in lieu thereof one new section relating to counties changing classification.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2064**, entitled:

An Act to repeal sections 334.105, 334.106, 338.013, 338.057, and 338.220, RSMo, and to enact in lieu thereof five new sections relating to the regulation of licensed health care professionals.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2360**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway designation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2047**, entitled:

An Act to repeal section 88.917, RSMo, and to enact in lieu thereof one new section relating to street grading in cities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1783**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to display of flags on government buildings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1861**, entitled:

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to renewable energy trends.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1887**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1937**, entitled:

An Act to repeal sections 238.207 and 238.210, RSMo, and to enact in lieu thereof two new sections relating to transportation development districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1952**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial bridge.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2036**, entitled:

An Act to repeal section 660.099, RSMo, and to enact in lieu thereof one new section relating to appropriation of funds for certain services for the elderly.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2048**, entitled:

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to college textbooks.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2068**, entitled:

An Act to repeal sections 334.500, 334.506, 334.530, 334.540, 334.550, 334.560, 334.570, 334.650, 334.655, 334.660, 334.665, 334.670, and 334.675, RSMo, and to enact in lieu thereof twenty-three new sections relating to physical therapists.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2051**, entitled:

An Act to repeal sections 217.030 and 217.665, RSMo, and to enact in lieu thereof two new sections relating to the chairman of the board of probation and parole.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2082**, entitled:

An Act to repeal sections 328.030, 328.040, 328.050, 328.060, 328.090, 328.110, 328.115, 328.140, 328.150, 329.010, 329.025, 329.028, 329.035, 329.040, 329.050, 329.120, 329.180, 329.190, 329.191, 329.200, 329.210, 329.220, 329.230, 329.240, and 329.265, RSMo, and to enact in lieu thereof twelve new sections relating to the regulation of barber and cosmetology licensing by the Missouri board of cosmetology and barber examiners.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2206**, entitled:

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to public roadways.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2157**, entitled:

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to identity theft.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2224**, entitled:

An Act to repeal section 590.050, RSMo, and to enact in lieu thereof one new section relating to continuing education requirements for peace officers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2213**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of parent and family involvement in education week.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2233**, entitled:

An Act to repeal section 105.452, RSMo, and to enact in lieu thereof one new section relating to prohibited acts by public officials and employees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2258**, entitled:

An Act to repeal section 306.163, RSMo, and to enact in lieu thereof one new section relating to the appointment of the state water patrol commissioner.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1546**, entitled:

An Act to repeal sections 192.667 and 197.150, RSMo, and to enact in lieu thereof two new sections relating to infections, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1416**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the official state mushroom.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1824**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the official state dessert.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1640**, entitled:

An Act to repeal section 193.125, RSMo, and to enact in lieu thereof one new section relating to birth certificates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Sheila L. Hitt, Martha E. Black and Carol L. Gossett, as members of the Missouri Workforce Investment Board;

Also,

Ryan S. Childress, as student representative of Missouri State University Board of Governors;

Also,

Donald Alan Braun, Independent, and William Duane Compton, as members of the Missouri Fire Education Commission;

Also,

Edward J. Twehous, as a member of the State Blasting Safety Board;

Also,

Wendy D. Dillender and Stephanie D. Brisco, as members of the Missouri Planning Council on Developmental Disabilities;

Also,

Wayne E. Sanders, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Arthur D. Bond, III, as a member of the Seismic Safety Commission;

Also,

Dennis L. Carroll, as a member of the Missouri Propane Gas Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1077**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 917**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1139**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 748**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1661**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1244**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1240**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, Senator Shields submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1159**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 861**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 768** and **SS** for **SCS** for **SB 846**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 1180**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 1278**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 1057**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SJR 43**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 1183**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **SCS** for **SBs 858, 750, 751, 927, 1186, 1255, 1268 and 1269**; and **SCS** for **SBs 930 and 947**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SBs 761 and 774**, introduced by Senator Stouffer, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS 761 and 774

An Act to repeal sections 142.815, 260.750, 301.010, 301.040, 301.057, 301.058, 301.130, 301.140, 301.143, 301.218, 302.230, 302.272, 302.275, 302.321, 302.545, 302.700, 302.735, 302.755, 302.775,

304.016, 304.070, 304.079, 304.180, 304.230, 304.281, 306.016, 306.228, 306.535, 307.100, 307.179, 311.326, 390.071, 390.136, 430.082, 478.001, 577.023, 590.050, 622.095, and 643.340, RSMo, and to enact in lieu thereof sixty-one new sections relating to transportation, with penalty provisions, an effective date for certain sections, and an emergency clause for a certain section.

Was taken up.

Senator Lager assumed the Chair.

On motion of Senator Stouffer, **SS** for **SCS** for **SBs 761** and **774** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Ridgeway—1

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for SCS for SBs 858, 750, 751, 927, 1186, 1255, 1268 and 1269, introduced by Senator Rupp, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 858, 750, 751, 927, 1186, 1255, 1268 and 1269

An Act to repeal sections 8.283, 143.191, 172.360, 174.130, 178.635, 178.780, and 544.470, RSMo, and to enact in lieu thereof twenty-nine new sections relating to illegal immigrants, with penalty provisions, an effective date for certain sections and an emergency clause for certain sections.

Was taken up.

On motion of Senator Rupp, **SS for SCS for SBs 858, 750, 751, 927, 1186, 1255, 1268 and 1269** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Crowell	Dempsey	Engler	Gibbons
Goodman	Graham	Green	Griesheimer	Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer
Stouffer	Vogel—26						

NAYS—Senators

Bray	Coleman	Days	Justus	Kennedy	Smith	Wilson—7	
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Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Koster	Lager
Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel—28				

NAYS—Senators

Days	Justus	Kennedy	Smith	Wilson—5			
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Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SBs 930 and 947, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 930 and 947

An Act to repeal sections 144.805 and 305.230, RSMo, and to enact in lieu thereof two new sections relating to the state aviation trust fund.

Was taken up by Senator Stouffer.

On motion of Senator Stouffer, **SCS for SBs 930 and 947** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 873, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 873

An Act to repeal sections 172.030, 172.035, 172.040, and 172.060, RSMo, and to enact in lieu thereof four new sections relating to student curators.

Was taken up by Senator Graham.

On motion of Senator Graham, **SCS for SB 873** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators

Lager	Scott—2
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Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Graham, title to the bill was agreed to.

Senator Graham moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 1107, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1107

An Act to repeal sections 304.157, 306.010, 306.015, 306.100, 306.111, 306.112, 306.114, 306.117, 306.124, 306.125, 306.132, 306.147, 306.163, 306.190, 306.221, 306.228, 565.024, 565.082, 577.023, and 577.080, RSMo, and to enact in lieu thereof twenty-one new sections relating to watercraft, with penalty provisions and an emergency clause for a certain section.

Was taken up by Senator Scott.

On motion of Senator Scott, **SCS for SB 1107** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senator Bartle—1

Vacancies—None

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SJR**s **34** and **30**, introduced by Senators Crowell and Coleman, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTIONS NOS. 34 and 30

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 13 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to laws that are retrospective in operation.

Was called from the Informal Calendar and taken up by Senator Crowell.

On motion of Senator Crowell, **SS** for **SCS** for **SJR**s **34** and **30** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Coleman	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senator Bray—1

Absent—Senator Justus—1

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the joint resolution passed.

On motion of Senator Crowell, title to the joint resolution was agreed to.

Senator Crowell moved that the vote by which the joint resolution passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 31**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 36**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 39**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 39

WHEREAS, public and teaching hospitals in Missouri serve as an integral part of the safety net system in this state. Major teaching hospitals account for approximately twenty-five percent of all Medicaid discharges; and

WHEREAS, currently there are thirty-three teaching hospitals and mental health centers in Missouri receiving graduate medical education funds. Such funding is used to train cardiologists, oncologists, neurologists, pediatricians, and numerous other types of physicians; and

WHEREAS, such hospitals are recognized for offering the most advanced and state-of-the-art services. Therefore, such training for the future health care workforce is an important and critical policy objective for this state; and

WHEREAS, such public and teaching hospitals are concerned about proposed regulations from the federal Centers for Medicare and Medicaid Services asserting that the federal Medicaid program lacks statutory authority to match payments for direct graduate medical education and activities. Such a rule change represents a significant reversal of long-standing Medicaid policy; and

WHEREAS, the State of Missouri will annually lose between 65 and 70 million dollars in lost federal funding starting May 25, 2008, should the rule take effect; and

WHEREAS, Truman Medical Center, in particular, is concerned that the proposed regulations would narrow the definition of "public" so that many current public hospitals, including Truman Medical Center, would no longer qualify as public for purposes of providing the local match required to obtain federal Medicaid funds. Initial estimates of the impact to Truman Medical Center are that it would exceed \$37 million in lost Medicaid funding; and

WHEREAS, the United States House of Representatives is considering extending the proposed rule by one year until May 25, 2009, prohibiting implementation of the proposed rule on Medicaid match for direct graduate medical education:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby request that the Missouri Congressional delegation ask the Centers for Medicare and Medicaid Services to withdraw this rule or delay implementation until May 25, 2009; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution to each member of Missouri's Congressional delegation and to the administrator of the Centers for Medicare and Medicaid Services.

President Pro Tem Gibbons assumed the Chair.

Senator Mayer, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 1158**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lager assumed the Chair.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 768** and **SS** for **SCS** for **SB 846** to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1722**—Education.

HCS for **HB 1326**—Ways and Means.

HCS for **HJR 43**—Ways and Means.

HB 1348—Judiciary and Civil and Criminal Jurisprudence.

HB 1532—Transportation.

HCS for **HB 1888**—Economic Development, Tourism and Local Government.

HB 1574—Pensions, Veterans' Affairs and General Laws.

HB 1608—Financial and Governmental Organizations and Elections.

HB 1972—Pensions, Veterans' Affairs and General Laws.

HB 1973—Pensions, Veterans' Affairs and General Laws.

HB 1450—Financial and Governmental Organizations and Elections.

HB 1368—Education.

HB 1689—Financial and Governmental Organizations and Elections.

HB 2055—Pensions, Veterans' Affairs and General Laws.

HCS for **HB 2056**—Pensions, Veterans' Affairs and General Laws.

HB 1358—Judiciary and Civil and Criminal Jurisprudence.

HB 1422—Transportation.

HB 1469—Judiciary and Civil and Criminal Jurisprudence.

HB 1805—Health and Mental Health.

HB 1983—Judiciary and Civil and Criminal Jurisprudence.

HB 1426—Commerce, Energy and the Environment.

HCS for HB 1690—Financial and Governmental Organizations and Elections.

HCS for HBs 1876 and 1877—Education.

HB 2065—Financial and Governmental Organizations and Elections.

HB 1616—Financial and Governmental Organizations and Elections.

HB 2081—Financial and Governmental Organizations and Elections.

HCS for HB 1611—Judiciary and Civil and Criminal Jurisprudence.

HB 1677—Economic Development, Tourism and Local Government.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, forty representatives from Leadership Joplin.

Senator Shields introduced to the Senate, the Physician of the Day, Dr. Mark Taormina, M.D., Parkville.

Senator Gibbons introduced to the Senate, Ben Stein, Beverly Hills, California.

Senator Green introduced to the Senate, his sister-in-law, Maureen Green, Rebecca Buss, Jackie Hinrichs, Cathy Patrico, Jessica Dickerson, fifteen adults and sixty fifth grade students from Glasgow Elementary School, St. Louis; and Monet McCaw and Ryan Wilkins were made honorary pages.

Senator Nodler introduced to the Senate, adults and twenty-five students from Promised Land Home School Group, Neosho.

On motion of Senator Shields, the Senate adjourned until 11:00 a.m., Monday, April 7, 2008.

SENATE CALENDAR

FORTY-SIXTH DAY—MONDAY, APRIL 7, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1807
 HB 1881-Schlottach
 HB 1869-Wilson (130), et al
 HB 1946-Franz
 HCS for HB 2204

HCS for HB 2104
 HB 2226-Muschany
 HB 1784-Meadows, et al
 HB 1419-Portwood
 HB 1706-Baker (123), et al

HCS for HB 1707
HB 1710-Flook
HB 1617-Cunningham (86), et al
HB 1791-Cooper (155), et al
HCS for HB 1804
HB 1828-Sutherland
HB 1864-Parson, et al
HCS for HB 1893
HCS for HB 1883
HCS for HB 1904
HCS for HB 1910
HB 1995-Schieffer, et al
HCS for HB 2064
HCS for HB 2360
HB 2047-Curls, et al
HCS for HB 1783
HB 1861-Baker (25), et al
HB 1887-Parson

HB 1937-Pearce, et al
HB 1952-Loehner, et al
HCS for HB 2036
HCS for HB 2048
HCS for HB 2068
HB 2051-Kelly, et al
HCS for HB 2082
HCS for HB 2206
HB 2157-Grill, et al
HB 2224-Jones (117), et al
HB 2213-Kraus, et al
HB 2233-Page, et al
HB 2258-Pollock
HCS for HB 1546
HB 1416-Nance, et al
HB 1824-Schlottach, et al
HB 1640-Schoeller, et al

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)
SS for SCS for SB 768-Rupp
(In Fiscal Oversight)

SS for SCS for SB 846-Rupp
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 904-Griesheimer, with SCS
2. SB 1077-Goodman
3. SB 917-Goodman, et al
4. SB 1139-Dempsey, et al, with SCS
5. SB 748-Ridgeway
6. SB 1244-Barnitz
7. SB 1240-Dempsey
8. SB 1159-Gibbons

9. SB 861-Shoemyer, with SCS
10. SB 1180-Crowell
11. SB 1278-Shields
12. SB 1057-Scott, with SCS
13. SJR 43-Loudon
14. SB 1183-Bray, with SCS
15. SB 1158-Mayer, with SCS

HOUSE BILLS ON THIRD READING

HB 1661-LeVota, et al

INFORMAL CALENDAR
SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS	SB 990-Champion
SB 713-Gibbons, with SCS	SBs 993 & 770-Crowell, with SCS, SS for
SB 716-Loudon, et al	SCS, SA 4 and SSA 1 for SA 4 (pending)
SB 717-Kennedy and Shields	SB 996-Crowell, with SCS
SB 729-Griesheimer, with SCS	SB 997-Crowell
SB 749-Ridgeway, with SCS	SB 1000-Justus
SB 756-Engler and Rupp, with SCS (pending)	SB 1007-Loudon, with SA 2 (pending)
SB 776-Justus and Koster, with SCS	SBs 1021 & 870-Loudon, et al, with SCS
SB 809-Stouffer, with SCS	SB 1035-Scott, with SCS
SB 811-Stouffer, with SCS, SA 1 & point of	SB 1040-Clemens, with SCS
order (pending)	SB 1046-Mayer
SB 815-Goodman	SB 1052-Rupp
SB 817-Goodman	SB 1054-Dempsey, with SCS
SB 821-Shoemyer, with SCS (pending)	SB 1058-Mayer
SBs 840 & 857-Engler, with SCS & SS for SCS	SB 1067-Ridgeway, et al
(pending)	SB 1081-Nodler and Green, with SCS
SB 865-Rupp and Gibbons, with SCS	SB 1093-Loudon, et al
SB 874-Graham, with SCS	SB 1094-Loudon, with SCS
SB 881-Green	SB 1099-Graham
SBs 909, 954, 934 & 1003-Engler, with SCS	SB 1103-Gibbons
SB 915-Ridgeway	SB 1138-McKenna, with SCS
SB 929-Green and Callahan, with SCS	SBs 1234 & 1270-Shields, with SCS
SB 957-Goodman	SJR 45-Clemens
SBs 982, 834 & 819-Purgason, with SCS	

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2014, with SCS (Nodler)

RESOLUTIONS

Reported from Committee

SCR 31-Barnitz
SCR 36-Green

SCR 39-Shields, with SCS

To be Referred

SCR 40-Ridgeway

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Journal of the Senate

SECOND REGULAR SESSION

FORTY-SIXTH DAY—MONDAY, APRIL 7, 2008

The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 1807—Education.

HB 1881—Agriculture, Conservation, Parks and Natural Resources.

HB 1869—Education.

HB 1946—Seniors, Families and Public Health.

HCS for HB 2204—Pensions, Veterans' Affairs and General Laws.

HCS for HB 2104—Pensions, Veterans' Affairs and General Laws.

HB 2226—Ways and Means.

HB 1784—Pensions, Veterans' Affairs and General Laws.

HB 1419—Financial and Governmental Organizations and Elections.

HB 1706—Pensions, Veterans' Affairs and General Laws.

HCS for HB 1707—Financial and Governmental Organizations and Elections.

HB 1710—Pensions, Veterans' Affairs and General Laws.

HB 1617—Financial and Governmental Organizations and Elections.

HB 1791—Financial and Governmental Organizations and Elections.

HCS for HB 1804—Economic Development, Tourism and Local Government.

HB 1828—Ways and Means.

HB 1864—Financial and Governmental Organizations and Elections.

HCS for HB 1893—Small Business, Insurance and Industrial Relations.
HCS for HB 1883—Small Business, Insurance and Industrial Relations.
HCS for HB 1904—Governmental Accountability and Fiscal Oversight.
HCS for HB 1910—Economic Development, Tourism and Local Government.
HB 1995—Economic Development, Tourism and Local Government.
HCS for HB 2064—Financial and Governmental Organizations and Elections.
HCS for HB 2360—Transportation.
HB 2047—Economic Development, Tourism and Local Government.
HCS for HB 1783—Pensions, Veterans' Affairs and General Laws.
HB 1861—Commerce, Energy and the Environment.
HB 1887—Transportation.
HB 1937—Transportation.
HB 1952—Transportation.
HCS for HB 2036—Seniors, Families and Public Health.
HCS for HB 2048—Education.
HCS for HB 2068—Financial and Governmental Organizations and Elections.
HB 2051—Financial and Governmental Organizations and Elections.
HCS for HB 2082—Financial and Governmental Organizations and Elections.
HCS for HB 2206—Transportation.
HB 2157—Judiciary and Civil and Criminal Jurisprudence.
HB 2224—Economic Development, Tourism and Local Government.
HB 2213—Education.
HB 2233—Financial and Governmental Organizations and Elections.
HB 2258—Financial and Governmental Organizations and Elections.
HCS for HB 1546—Health and Mental Health.
HB 1416—Pensions, Veterans' Affairs and General Laws.
HB 1824—Pensions, Veterans' Affairs and General Laws.
HB 1640—Judiciary and Civil and Criminal Jurisprudence.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 2188**, entitled:

An Act to repeal sections 339.100, 339.532, 443.809, 443.810, and 443.891, RSMo, and to enact in lieu thereof nine new sections relating to mortgage fraud, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1773**, entitled:

An Act to repeal section 143.161, RSMo, and to enact in lieu thereof one new section relating to Missouri dependency exemptions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1715**, entitled:

An Act to repeal sections 304.157, 306.010, 306.015, 306.030, 306.100, 306.111, 306.112, 306.114, 306.117, 306.124, 306.125, 306.132, 306.147, 306.163, 306.221, 306.228, 565.024, 565.082, and 577.080, RSMo, and to enact in lieu thereof twenty new sections relating to watercraft, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2041**, entitled:

An Act to repeal section 288.250, RSMo, and to enact in lieu thereof one new section relating to the disclosure of confidential unemployment information, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1832**, entitled:

An Act to amend chapter 64, RSMo, by adding thereto fifteen new sections relating to the Missouri county planning act, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1341**, entitled:

An Act to amend chapter 316, RSMo, by adding thereto one new section relating to liability insurance of a for-profit private swimming pool or facility, with a penalty provision and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 41**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 1 of article V of the Constitution of Missouri, and adopting one new section in lieu thereof relating to state court jurisdiction.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1790**, entitled:

An Act to repeal sections 190.100, 190.176, 190.200, 190.241, 190.243, and 190.245, RSMo, and to enact in lieu thereof six new sections relating to the time critical diagnosis system.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1393**, entitled:

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear for operation of motorcycles or motortricycles, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Gibbons referred **SCR 40** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Gibbons, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Engler.

Reverend Carl Gauck offered the following prayer:

“Moses said, ‘Show me your glory, I pray.’” (Exodus 33:18)

Glorious Lord, You are too wonderful for us to behold! Help us to see Your glory in the eyes of the poor, hear Your voice in the words of a child and taste Your goodness You provide us in our daily bread and all we need each day. And experiencing Your glory may we live as You desire for us this new week. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 3, 2008 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 2262, regarding the death of Doris V. Boyd Middlebrooks, St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 2263, regarding the One Hundred Seventy-fifth Anniversary of the city of Plattsburg and Clinton County, which was adopted.

Senator Gibbons offered Senate Resolution No. 2264, regarding Timothy Joseph Schuessler, which was adopted.

Senator Mayer offered Senate Resolution No. 2265, regarding McAllister Software Systems, Inc., Piedmont, which was adopted.

Senator Days offered Senate Resolution No. 2266, regarding Kim R. Besserman, which was adopted.

Senator Lager offered Senate Resolution No. 2267, regarding Kiley Slater, which was adopted.

Senator Lager offered Senate Resolution No. 2268, regarding Kristy Thompson, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 2269, regarding Katherine Hoffman, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 2270, regarding the Eightieth Birthday of Irma Merrick, Maryville, which was adopted.

Senator McKenna offered Senate Resolution No. 2271, regarding Chris Sinks, Arnold, which was adopted.

Senator Barnitz offered Senate Resolution No. 2272, regarding Marilyn J. Timmons, Dixon, which was adopted.

Senator Shields offered Senate Resolution No. 2273, regarding Matthew David Buchholz, which was adopted.

Senator Dempsey offered Senate Resolution No. 2274, regarding the Sixtieth Anniversary of the St. Charles Jaycees, which was adopted.

Senator Dempsey offered Senate Resolution No. 2275, regarding Mickey Carroll, Saint Louis, which was adopted.

Senator Dempsey offered Senate Resolution No. 2276, regarding Diana Francis, Saint Louis, which was adopted.

Senator Dempsey offered Senate Resolution No. 2277, regarding Thomas Currier, Saint Louis, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Crowell moved that **SB 993** and **SB 770**, with **SCS, SS** for **SCS, SA 4** and **SSA 1** for **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 4** was again taken up.

Senator Shoemyer moved that the above substitute amendment be adopted.

Senator Rupp assumed the Chair.

President Kinder assumed the Chair.

Senator Engler assumed the Chair.

Senator Rupp assumed the Chair.

At the request of Senator Crowell, **SB 993** and **SB 770**, with **SCS, SS** for **SCS, SA 4** and **SSA 1** for **SA 4** (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1849**, entitled:

An Act to repeal section 89.120, as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session,

and section 89.120, as enacted by senate committee substitute for house bill no. 1352, eighty-ninth general assembly, second regular session, and to enact in lieu thereof one new section relating to zoning violation remedies, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 23**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 23

Relating to the observance of Ronald Reagan Day in Missouri.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Whereas, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, Union leader, corporate spokesman, Governor of California, and President of the United States; and

Whereas, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States of America, the second of which he earned the confidence of 60% of the electorate and was victorious in 49 of the 50 states in the general election - a record unsurpassed in the history of American presidential elections; and

Whereas, in 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

Whereas, during Mr. Reagan's presidency, he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government which led to an unprecedented economic expansion and opportunity for millions of Americans; and

Whereas, Mr Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

Whereas, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's Armed Forces to meet 21st Century challenges; and

Whereas, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

Whereas, February 6, 2008, will be the 97th anniversary of Ronald Reagan's birth, and the third since his passing:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, hereby declare February 6th of each year to be "Ronald Reagan Day" in Missouri and urge all citizens of Missouri to recognize this event and participate fittingly in its observance; and

Be it further resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 7, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Charles R. Pryor, Republican, 410 West Newton, Versailles, Morgan County, Missouri 65084, as a member of the Board of Probation and Parole, for a term ending April 7, 2014, and until his successor is duly appointed and qualified; vice, Ansel Card, resigned.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointment to the Committee on Gubernatorial Appointments.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-SEVENTH DAY—TUESDAY, APRIL 8, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 2188
HB 1773-Funderburk, et al
HCS for HB 1715
HCS for HB 2041
HB 1832-Cooper (120), et al

HCS for HB 1341
HCS for HJR 41
HCS for HB 1790
HCS for HB 1393
HB 1849-Pratt and Curls

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)
SS for SCS for SB 768-Rupp
(In Fiscal Oversight)

SS for SCS for SB 846-Rupp
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 904-Griesheimer, with SCS
2. SB 1077-Goodman
3. SB 917-Goodman, et al
4. SB 1139-Dempsey, et al, with SCS
5. SB 748-Ridgeway
6. SB 1244-Barnitz
7. SB 1240-Dempsey
8. SB 1159-Gibbons

9. SB 861-Shoemyer, with SCS
10. SB 1180-Crowell
11. SB 1278-Shields
12. SB 1057-Scott, with SCS
13. SJR 43-Loudon
14. SB 1183-Bray, with SCS
15. SB 1158-Mayer, with SCS

HOUSE BILLS ON THIRD READING

HB 1661-LeVota, et al (Ridgeway)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS	SB 990-Champion
SB 713-Gibbons, with SCS	SBs 993 & 770-Crowell, with SCS, SS for
SB 716-Loudon, et al	SCS, SA 4 and SSA 1 for SA 4 (pending)
SB 717-Kennedy and Shields	SB 996-Crowell, with SCS
SB 729-Griesheimer, with SCS	SB 997-Crowell
SB 749-Ridgeway, with SCS	SB 1000-Justus
SB 756-Engler and Rupp, with SCS (pending)	SB 1007-Loudon, with SA 2 (pending)
SB 776-Justus and Koster, with SCS	SBs 1021 & 870-Loudon, et al, with SCS
SB 809-Stouffer, with SCS	SB 1035-Scott, with SCS
SB 811-Stouffer, with SCS, SA 1 & point of	SB 1040-Clemens, with SCS
order (pending)	SB 1046-Mayer
SB 815-Goodman	SB 1052-Rupp
SB 817-Goodman	SB 1054-Dempsey, with SCS
SB 821-Shoemyer, with SCS (pending)	SB 1058-Mayer
SBs 840 & 857-Engler, with SCS & SS for	SB 1067-Ridgeway, et al
SCS (pending)	SB 1081-Nodler and Green, with SCS
SB 865-Rupp and Gibbons, with SCS	SB 1093-Loudon, et al
SB 874-Graham, with SCS	SB 1094-Loudon, with SCS
SB 881-Green	SB 1099-Graham
SBs 909, 954, 934 & 1003-Engler, with SCS	SB 1103-Gibbons
SB 915-Ridgeway	SB 1138-McKenna, with SCS
SB 929-Green and Callahan, with SCS	SBs 1234 & 1270-Shields, with SCS
SB 957-Goodman	SJR 45-Clemens
SBs 982, 834 & 819-Purgason, with SCS	

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2014, with SCS (Nodler)

RESOLUTIONS

Reported from Committee

SCR 31-Barnitz
SCR 36-Green

SCR 39-Shields, with SCS

To be Referred

HCR 23-Dixon, et al

✓

Journal of the Senate

SECOND REGULAR SESSION

FORTY-SEVENTH DAY—TUESDAY, APRIL 8, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I have found the paradox that if I love until it hurts, then there is no hurt, but only more love.” (Mother Teresa)

Gracious God, form our minds into Your one will and make us love what You command and desire what You promise, that our hearts may be fixed where true joy is found and our love might be like Yours making us capable of being more loving towards all and filled with love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Griesheimer offered Senate Resolution No. 2278, regarding Mayor Jim Shores, which was adopted.

Senator Coleman offered Senate Resolution No. 2279, regarding Gina M. Oppelt, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2280, regarding Cassie Cross, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2281, regarding Danielle McCartney, Memphis, which was adopted.

Senator Coleman offered Senate Resolution No. 2282, regarding Samantha Messmer, House Springs, which was adopted.

Senator Coleman offered Senate Resolution No. 2283, regarding Katie Albrecht, Manchester, which was adopted.

Senator Engler offered Senate Resolution No. 2284, regarding Spencer Lane Queen, Pilot Knob, which was adopted.

Senator Crowell offered Senate Resolution No. 2285, regarding Judy McLain, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2286, regarding Barbara I. Harper, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2287, regarding Debbie Harris, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2288, regarding JoAnn Baker, which was adopted.

Senator Crowell offered Senate Resolution No. 2289, regarding Robyn Gross, which was adopted.

Senator Crowell offered Senate Resolution No. 2290, regarding the Eightieth Birthday of Sister Lucille Zerr, SSND, Cape Girardeau, which was adopted.

Senator Callahan offered Senate Resolution No. 2291, regarding Tiarra Boyice, Kansas City, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2292, regarding the Fiftieth Anniversary of Our Lady of Lourdes Parish, Washington, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2293, regarding the Seventieth Anniversary of Veterans of Foreign Wars Max W. Mueller Post 2661, Washington, which was adopted.

SENATE BILLS FOR PERFECTION

SB 904, with SCS, was placed on the Informal Calendar.

SB 1077 was placed on the Informal Calendar.

SB 917 was placed on the Informal Calendar.

SB 1139, with **SCS**, was placed on the Informal Calendar.

Senator Ridgeway moved that **SB 748** be taken up for perfection, which motion prevailed.

Senator Ridgeway offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 748, Page 1, In the Title, Line 3, by inserting after “purposes” the following: “with an emergency clause”; and

Further amend said bill, Page 4, Section 143.121, Line 120, by inserting after all of said line the following:

“Section B. Because of the need for accurate imposition and collection of the Missouri income tax, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey assumed the Chair.

On motion of Senator Ridgeway, **SB 748**, as amended, was declared perfected and ordered printed.

Senator Mayer moved that **SB 1046** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Callahan offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 1046, Page 1, Section 290.595, Line 13, by inserting after “discharged” the following: “**or in any manner retaliated against**”; and further amend line 15, by inserting after “discharge” the following: “**or retaliation**”.

Senator Callahan moved that the above amendment be adopted.

Senator Callahan offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Bill No. 1046, Page 1, Section 290.595, Line 13, by inserting after “discharged” the following: “**or in any manner retaliated against**”; and further amend line 14, by striking the word “exclusive” and inserting in lieu thereof the following: “**prevailing**”; and further amend line 15, by inserting after “discharge” the following: “**or retaliation**”; and

Further amend said bill and section, Page 2, Line 27, by inserting after “discharged” the following: “**or in any manner retaliated against**”; and further amend line 29, by striking said line and inserting in lieu thereof the following: “**prevailing factor in the discharge or retaliation.**”.

Senator Callahan moved that the above substitute amendment be adopted.

At the request of Senator Mayer, **SB 1046**, with **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2014** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2014**.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

HCR 23—Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Shields, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Griesheimer.

RESOLUTIONS

Senator Engler offered Senate Resolution No. 2294, regarding Jeorge Ann Armbruster, Ste. Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 2295, regarding Jean Marie Dube, St. Mary, which was adopted.

Senator Engler offered Senate Resolution No. 2296, regarding August J. Grein, Jr., Ste. Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 2297, regarding Sandra A. Grither, Ste. Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 2298, regarding Penny C. Sadler, Ste. Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 2299, regarding Margaret L. Shirey, Ste. Genevieve, which was adopted.

Senator Barnitz offered Senate Resolution No. 2300, regarding the Hermann High School Girls Basketball Bearcats, which was adopted.

Senator Barnitz offered Senate Resolution No. 2301, regarding the Fifty-fourth Wedding Anniversary of Mr. and Mrs. William Hanshew, Rolla, which was adopted.

Senator Graham offered Senate Resolution No. 2302, regarding Jacob Thomas Mingus, Columbia, which was adopted.

Senator Mayer offered Senate Resolution No. 2303, regarding Joshua Rathbun, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 2304, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. James Roy, Puxico, which was adopted.

Senator Bray offered Senate Resolution No. 2305, regarding Victoria Ngo-Lam, which was adopted.

Senator Bray offered Senate Resolution No. 2306, regarding Amy Latham, Jefferson City, which was adopted.

Senator Lager offered Senate Resolution No. 2307, regarding the Class 2 State Champion Penny High School girls basketball program, which was adopted.

Senator Lager offered Senate Resolution No. 2308, regarding Judy Becker, Cameron, which was adopted.

CONFERENCE COMMITTEE REPORTS

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2014** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2014

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2014, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2014.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2014.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2014, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Gary Nodler

/s/ Robert N. Mayer

/s/ Chuck Purgason

/s/ Joan Bray

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Allen Icet

/s/ Ed Robb

/s/ Bryan Stevenson

/s/ Rachel Storch

/s/ Shalonn K. Curls

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	Nodler	Purgason

Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 2014**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2014

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for purchase of equipment, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2008.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Gibbons referred **HB 1661** to the Committee on Governmental Accountability and

Fiscal Oversight.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HCS for HB 2188—Commerce, Energy and the Environment.

HB 1773—Ways and Means.

HCS for HB 1715—Financial and Governmental Organizations and Elections.

HCS for HB 2041—Small Business, Insurance and Industrial Relations.

HB 1832—Economic Development, Tourism and Local Government.

HCS for HB 1341—Small Business, Insurance and Industrial Relations.

HCS for HJR 41—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 1790—Health and Mental Health.

HCS for HB 1393—Transportation.

HB 1849—Judiciary and Civil and Criminal Jurisprudence.

RE-REFERRALS

President Pro Tem Gibbons re-referred **HB 1864** to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 748**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 1021** and **SB 870**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SBs 1021 and 870, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1021 and 870

An Act to repeal sections 334.010, 334.120, 334.260, and 376.1753, RSMo, and to enact in lieu thereof nine new sections relating to the practice of midwifery, with penalty provisions and an emergency clause.

Was taken up.

Senator Loudon moved that **SCS for SBs 1021 and 870** be adopted.

Senator Loudon offered **SS** for **SCS** for **SBs 1021** and **870**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1021 and 870

An Act to repeal sections 334.010, 334.120, 334.260, and 376.1753, RSMo, and to enact in lieu thereof twelve new sections relating to the practice of midwifery, with penalty provisions and an emergency clause.

Senator Loudon moved that **SS** for **SCS** for **SBs 1021** and **870** be adopted.

Senator Graham offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1021 and 870, Page 1, Section 324.1230, Line 9 of said page, by striking the following: “the board of professional midwives” and inserting in lieu thereof the following: “**the state board of registration for the healing arts**”; and

Further amend said bill, Pages 2 to 4, Section 324.1231, by striking said section from the bill; and

Further amend said bill, Page 12, Section 324.1236, Lines 3 to 16, by striking said section from the bill; and

Further amend said bill, Pages 17 to 19, Section 334.120, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Dempsey assumed the Chair.

At the request of Senator Loudon, **SB 1021** and **SB 870**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), were placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 8, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael J. Schmid, Democrat, 238 Madeline’s Park Circle, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Ethics Commission, for a term ending March 15, 2012, and until his successor is duly appointed and qualified; vice, Michael Dunard, term expired.

Respectfully submitted,
MATT BLUNT

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 30**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 30

Whereas, competition in the voice communications industry is developing rapidly and is widespread in the State of Missouri; and

Whereas, Missouri law governing the telecommunications industry must evolve to meet the needs of Missouri consumers; and

Whereas, consumer choice in voice communications is available through the traditional wireline, wireless, cable, and interconnected voice over Internet protocol industries; and

Whereas, the methodology by which carriers are compensated for the use of their network is, by its nature, complex, detailed, and inter-related to numerous other economic forces; and

Whereas, the need to make equitable changes in the inter-carrier compensation regime will require a comprehensive, holistic, and deliberate approach to reform; and

Whereas, due to the complex nature of inter-carrier compensation, comprehensive study and discussion is required; and

Whereas, a forum for review and discussion between these very competitive industries will aid in addressing the concerns of both the industry and consumers:

Now, therefore, be it resolved by the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, that to ensure that thoughtful and necessary changes to the regulation of voice communications in Missouri and the need to protect Missouri consumers and provide them with more communications choices, the General Assembly must endeavor to comprehensively study further the matters detailed herein; and

Be it further resolved that the Speaker of the House of Representatives and the President Pro Tempore of the Senate appoint a Joint Interim Committee on Voice Communications Regulation that is authorized to function during the legislative interim between the Second Regular Session of the Ninety-fourth General Assembly and the First Regular Session of the Ninety-fifth General Assembly to study the following:

(1) The need to make changes to the inter-carrier compensation system wherein voice communications providers exchange traffic on other provider's networks; and

(2) Such other matters as the Joint Interim Committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding inter-carrier compensation; and

Be it further resolved that the Joint Interim Committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary for submission to the General Assembly prior to commencement of the First Regular Session of the Ninety-fifth General Assembly; and

Be it further resolved that the Joint Interim Committee may solicit input and information necessary to fulfill its obligations, including but not limited to soliciting input and information from any state department or agency the Joint Interim Committee deems relevant, consumer advocates, political subdivisions of this State, and the general public; and

Be it further resolved that the staffs of House Research, the Joint Committee on Legislative Research, and Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Interim Committee may require in the performance of its duties; and

Be it further resolved that the actual and necessary expenses of the Joint Interim Committee, its members, and any staff assigned to the Joint Interim Committee incurred by the Joint Interim Committee shall be paid by the Joint Contingent Fund.

In which the concurrence of the Senate is respectfully requested.

SENATE BILLS FOR PERFECTION

Senator Stouffer moved that **SB 809**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 809**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 809

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to billboards.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 809** be adopted.

Senator Stouffer offered **SS** for **SCS** for **SB 809**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 809

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to billboards.

Senator Stouffer moved that **SS** for **SCS** for **SB 809** be adopted.

Senator Griesheimer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 809, Page 2, Section 226.541, Line 17 of said page, by inserting immediately after the word “regulations” the following: “**and in accordance with the local zoning authority regulations**”.

Senator Griesheimer moved that the above amendment be adopted.

At the request of Senator Stouffer, **SB 809**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 2309

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate Chamber for the purpose of their regular session from 8:00 a.m. to 4:30 p.m. on October 9, 2008 and from 8:00 a.m. to 12 noon on October 10, 2008.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 2309** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 2309** was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Vogel and himself, Senator Barnitz introduced to the Senate, Mary Branum and Todd Kelley, Josh Ward, Anthony Basile, Paige Luebbert, Lacey Perrigo, Hali Oberdick and Brittany Rothove, students from South Callaway High School.

Senator Gibbons introduced to the Senate, Jonathan Hickman, Kirkwood.

Senator Scott introduced to the Senate, the Physician of the Day, Dr. Melissa Stephens, M.D., and her husband, John, Warsaw.

Senator Gibbons introduced to the Senate, Gregory Eaton and Cassandra Finkes, St. Louis.

Senator Shields introduced to the Senate, seventy eighth grade students from St. Therese Catholic School, Parkville; and Christopher Sims, Chelsea Birchmier and Jordan Wang were made honorary pages.

Senator Gibbons introduced to the Senate, seventy-five fifth grade students from Barretts Elementary School, Manchester; and Noah Valenti, Sophie Gunning, Tony Patterson, Katelyn Breece, Evan Theising and Tim Gordan were made honorary pages.

Senator Loudon introduced to the Senate, Eric and Jennifer Keifer and their children, Hudson, Amy, William and David, Homeschoolers from Chesterfield; and Hudson, Amy, William and David were made honorary pages.

Senator Loudon introduced to the Senate, Tracey Katsev and Sherry Tottleben and five students from Chesterfield Elementary School; and Riley Katsev, Jacob Tottleben, Connor Altic, Jacob Kampf and Drew Linfenbardt were made honorary pages.

Senator Scott introduced to the Senate, students from Mallory Elementary School, Buffalo.

Senator Goodman introduced to the Senate, Kurt McDonald and students Natalie Hinds, Amanda Fritsche, Kristen Brack, Leland Maize and John Maloney, College of the Ozarks, Point Lookout.

Senator Scott introduced to the Senate, former State Representative Ken Legan, his wife, Becky and Johanne Smith, Halfway; Jessica Bruce, Bolivar; and Mila Earls, Pleasant Hope.

On motion of Senator Goodman, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-EIGHTH DAY—WEDNESDAY, APRIL 9, 2008

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)
SS for SCS for SB 768-Rupp
(In Fiscal Oversight)

SS for SCS for SB 846-Rupp
(In Fiscal Oversight)
SB 748-Ridgeway

SENATE BILLS FOR PERFECTION

- | | |
|---------------------------------|-----------------------------|
| 1. SB 1244-Barnitz and Purgason | 6. SB 1278-Shields |
| 2. SB 1240-Dempsey | 7. SB 1057-Scott, with SCS |
| 3. SB 1159-Gibbons | 8. SJR 43-Loudon |
| 4. SB 861-Shoemyer, with SCS | 9. SB 1183-Bray, with SCS |
| 5. SB 1180-Crowell | 10. SB 1158-Mayer, with SCS |

HOUSE BILLS ON THIRD READING

HB 1661-LeVota, et al (Ridgeway) (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SBs 712 & 882-Gibbons and Rupp, with SCS | SBs 982, 834 & 819-Purgason, with SCS |
| SB 713-Gibbons, with SCS | SB 990-Champion |
| SB 716-Loudon, et al | SBs 993 & 770-Crowell, with SCS, SS for |
| SB 717-Kennedy and Shields | SCS, SA 4 and SSA 1 for SA 4 |
| SB 729-Griesheimer, with SCS | (pending) |
| SB 749-Ridgeway, with SCS | SB 996-Crowell, with SCS |
| SB 756-Engler and Rupp, with SCS | SB 997-Crowell |
| (pending) | SB 1000-Justus |
| SB 776-Justus and Koster, with SCS | SB 1007-Loudon, with SA 2 (pending) |
| SB 809-Stouffer, with SCS, SS for SCS | SBs 1021 & 870-Loudon, et al, with SCS, |
| and SA 1 (pending) | SS for SCS and SA 1 (pending) |
| SB 811-Stouffer, with SCS, SA 1 & point | SB 1035-Scott, with SCS |
| of order (pending) | SB 1040-Clemens, with SCS |
| SB 815-Goodman | SB 1046-Mayer, with SA 1 & SSA 1 for |
| SB 817-Goodman | SA 1 (pending) |
| SB 821-Shoemyer, with SCS (pending) | SB 1052-Rupp |
| SBs 840 & 857-Engler, with SCS & SS for | SB 1054-Dempsey, with SCS |
| SCS (pending) | SB 1058-Mayer |
| SB 865-Rupp and Gibbons, with SCS | SB 1067-Ridgeway, et al |
| SB 874-Graham, with SCS | SB 1077-Goodman |
| SB 881-Green | SB 1081-Nodler and Green, with SCS |
| SB 904-Griesheimer, with SCS | SB 1093-Loudon, et al |
| SBs 909, 954, 934 & 1003-Engler, with SCS | SB 1094-Loudon, with SCS |
| SB 915-Ridgeway | SB 1099-Graham |
| SB 917-Goodman, et al | SB 1103-Gibbons |
| SB 929-Green and Callahan, with SCS | SB 1138-McKenna, with SCS |
| SB 957-Goodman | SB 1139-Dempsey, et al, with SCS |

SBs 1234 & 1270-Shields, with SCS

SJR 45-Clemens

RESOLUTIONS

Reported from Committee

SCR 31-Barnitz
SCR 36-Green

SCR 39-Shields, with SCS

To be Referred

HCR 30-Emery, et al

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Journal of the Senate

SECOND REGULAR SESSION

FORTY-EIGHTH DAY—WEDNESDAY, APRIL 9, 2008

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“The voice of the Lord is powerful; the voice of the Lord is full of majesty.” (Psalm 29:4)

O God, help us to hear Your voice in the stillness of calm and in the pounding of the waves. Discipline our hearts to listen for You in our daily lives and help us also to give voice to the cries of the disadvantaged about us. Open us to the still small voice that You use to guide and correct us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Barnitz offered Senate Resolution No. 2310, regarding the Linn High School Boys Basketball Wildcats, which was adopted.

Senator Crowell offered Senate Resolution No. 2311, regarding Wendi Zickfield, which was adopted.

Senator Crowell offered Senate Resolution No. 2312, regarding the Fiftieth Anniversary of the Concordia-Trinity Lutheran School, Frohna, which was adopted.

Senator Crowell offered Senate Resolution No. 2313, regarding the Fiftieth Anniversary of Teen Challenge International of Mid-America, Cape Girardeau, which was adopted.

Senator Vogel offered Senate Resolution No. 2314, regarding Mary Wehrle, Jefferson City, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 1234** and **SB 1270**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 1234** and **1270**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1234 and 1270**

An Act to repeal sections 135.950 and 135.967, RSMo, and to enact in lieu thereof three new sections relating to enhanced enterprise zones.

Was taken up.

Senator Shields moved that **SCS** for **SBs 1234** and **1270** be adopted.

Senator Shields offered **SS** for **SCS** for **SBs 1234** and **1270**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1234 and 1270**

An Act to repeal sections 135.950 and 135.967, RSMo, and to enact in lieu thereof three new sections relating to enhanced enterprise zones.

Senator Shields moved that **SS** for **SCS** for **SBs 1234** and **1270** be adopted.

President Kinder assumed the Chair.

Senator Rupp assumed the Chair.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1234 and 1270, Page 21, Section 135.968, Line 28 of said page, by inserting after all of said line the following:

“11. Provisions of this section to the contrary notwithstanding, no tax credit provided under this section shall be authorized for issuance until the general assembly adopts a concurrent resolution approving the terms and conditions of an agreement between the department of economic development and a taxpayer for the construction and operation of a mega-project within this state.”.

Senator Crowell moved that the above amendment be adopted.

At the request of Senator Shields, **SB 1234** and **SB 1270**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), were placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Scott.

RESOLUTIONS

Senator Shoemyer offered Senate Resolution No. 2315, regarding Ruby Ward, which was adopted.

Senator Bray offered Senate Resolution No. 2316, regarding Sharon Han, Creve Coeur, which was adopted.

Senator Barnitz offered Senate Resolution No. 2317, regarding the Fiftieth Birthday of Lloyd “Douglas” Gall, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 2318, regarding Alice Ruth Bremer, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 8, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lynthia B. Andrews, 16335 NW 130th Terrace, Platte City, Platte County, Missouri 64079, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 8, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Christopher T. Davidson, 10700 NW Verlin Drive, Parkville, Platte County, Missouri 64152, as student representative of the Linn State Technical College Board of Regents, for a term ending December 29, 2009, and until his successor is duly appointed and qualified; vice, Phillip

Schwarz, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 8, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard L. Dawe, 1 Opportunity Avenue, Point Lookout, Taney County, Missouri 65726, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2010, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 8, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael D. Geske, Republican, 4694 State Highway E, Matthews, New Madrid County, Missouri 63867, as a member of the Missouri Alternative Fuels Commission, for a term ending March 25, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 8, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dillon L. Harp, 1020 Cooper, Chillicothe, Livingston County, Missouri 64601, as student representative of the Missouri Western State University Board of Governors, for a term ending December 31, 2009, and until his successor is duly appointed and qualified; vice, Harold Callaway, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 8, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

J. Gil Kennon, 21 Grizzly Court, Farmington, Saint Francois County, Missouri 63640, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2011, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 8, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gary M. Little, 7355 Atlanta Lane, Seneca, Newton County, Missouri 64865, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2010, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 8, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Baughn T. Merideth, Sr., Democrat, 2703 South Ward Avenue, Caruthersville, Pemiscot County, Missouri 63830, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 8, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Rhonda K. Stafford, Route 1, Box 1611, Cassville, Barry County, Missouri 65625, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2009, and until her successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 8, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Leonard P. Toenjes, 7837 Gannon Avenue, University City, Saint Louis County, Missouri 63130, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2011, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 8, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Clara L. Urhahn, 602 McPheeters, Oran, Scott County, Missouri 63771, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2009, and until her successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 8, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kelly S. Walters, 901 Pleasant Ridge Road, Anderson, McDonald County, Missouri 64831, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2011, and until her successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 8, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment to office submitted to you on March 19, 2008, for your advice and consent:

John Douglas Joyce, Independent, 21204 East 35th Terrace Court South, Independence, Jackson County, Missouri 64057, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2011, and until his successor is duly appointed and qualified; vice, Juan M. Rangel, Jr., resigned.

Respectfully submitted,

MATT BLUNT

On motion of Senator Gibbons, the above appointment was returned to the Governor per his request.

President Pro Tem Gibbons referred the above Gubernatorial Appointments to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Gibbons referred **HCR 30** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred the Gubernatorial Appointment, appearing on page 753 of the Senate Journal for Tuesday, April 8, 2008, to the Committee on Gubernatorial Appointments.

President Pro Tem Gibbons referred **SB 748** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

SB 1244 was placed on the Informal Calendar.

At the request of Senator Dempsey, **SB 1240** was placed on the Informal Calendar.

Senator Gibbons moved that **SB 1159** be taken up for perfection, which motion prevailed.

Senator Gibbons offered **SS** for **SB 1159**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 1159

An Act to repeal sections 191.225 and 595.045, RSMo, and to enact in lieu thereof three new sections relating to forensic examinations.

Senator Gibbons moved that **SS** for **SB 1159** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS** for **SB 1159** was declared perfected and ordered printed.

Senator Shields moved that **SB 1234** and **SB 1270**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Crowell, **SA 1** was withdrawn.

Senator Crowell offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1234 and 1270, Page 21, Section 135.968, Line 28 of said page, by inserting after all of said line the following:

“11. Provisions of this section to the contrary notwithstanding, no taxpayer who receives mega-project tax credits authorized under this section or any related taxpayer shall employ, directly or indirectly:

- (1) Any elected public official of this state;**
- (2) Any past or current employee of the department of economic development; or**
- (3) Any relative, within the third degree of consanguinity, of an elected official of this state or of any past or current employee of the department of economic development.”.**

Senator Crowell moved that the above amendment be adopted.

Senator Shields offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1234 and 1270, Page 21, Section 135.968, Line 28 of said page, by inserting after all of said line the following:

“11. Provisions of this section to the contrary notwithstanding, no taxpayer who receives mega-project tax credits authorized under this section or any related taxpayer shall employ, directly or indirectly:

- (1) Any elected public official of this state; or**
- (2) Any past or current director of the department of economic development.”.**

Senator Shields moved that the above substitute amendment be adopted.

At the request of Senator Shields, **SSA 1** for **SA 2** was withdrawn.

At the request of Senator Crowell, **SA 2** was withdrawn.

Senator Green offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1234 and 1270, Page 5, Section 135.950, Line 14, by striking the word “fifty” and inserting in lieu thereof the following: **“one hundred”**.

Senator Green moved that the above amendment be adopted.

Senator Green offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1234 and 1270, Page 5, Section 135.950, Line 14, by striking the word “fifty” and inserting in lieu thereof the following: **“eighty”**.

Senator Green moved that the above substitute amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1234 and 1270, Page 21, Section 135.968, Line 28 of said page, by inserting after all of said line the following:

“11. Provisions of this section to the contrary notwithstanding, no taxpayer who receives mega-project tax credits authorized under this section or any related taxpayer shall employ, within five years following approval of the mega-project by the department, directly or indirectly:

- (1) Any elected public official of this state holding office as of January 1, 2008;**
- (2) Any person employed as of January 1, 2008 by the department of economic development; or**
- (3) Any relative, within the first degree of consanguinity or affinity, of any individual provided under the provisions of subdivisions (1) and (2) of this subsection.”.**

Senator Crowell moved that the above amendment be adopted.

Senator Koster offered **SA 1 to SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1234 and 1270, Page 1, Section 135.968, Line 10, by striking the word “person” and inserting in lieu thereof the following:

“director, deputy director, division director or employee directly involved in negotiations between the department and a taxpayer relative to the mega-project who was”.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 2 to SA 4**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1234 and 1270, Page 1, Line 14, by inserting after all of said line the following:

“12. After the expiration of the five-year period referenced in subsection 11 of this section, any taxpayer receiving mega-project tax credits authorized under this section shall disclose the names of any employee of the taxpayer provided under the provisions of subdivisions (1) to (3) of subsection 11 of this section.”.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Callahan, **SA 2 to SA 4** was withdrawn.

Senator Callahan offered **SA 3 to SA 4**, which was read:

SENATE AMENDMENT NO. 3 TO
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1234 and 1270, Page 1, Line 14, by inserting after all of said line the following:

“12. After the expiration of the five-year period referenced in subsection 11 of this section, any taxpayer receiving mega-project tax credits authorized under this section shall disclose, in the annual report required under the provisions of subsection 7 of this section, the names of any employee of the taxpayer who:

(1) Has ever been an elected public official of this state;

(2) Has ever been a director, deputy director, or a division director of the department of economic development, or an employee of the department of economic development directly involved in negotiations between the department and a taxpayer relative to the mega-project; or

(3) Is a relative, within the first degree of consanguinity or affinity, of any individual provided under the provisions of subdivisions (1) and (2) of this subsection.”.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

SA 4, as amended, was again taken up.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Shields, **SB 1234** and **SB 1270**, with **SCS** and **SS** for **SCS**, as amended (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 1159**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **SCS** for **SB 846**; **HB 1661**; and **SS** for **SCS** for **SB 768**, begs leave to report that it has considered the same and recommends that the bills do pass.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 2319, regarding Duke Dunbar, which was adopted.

Senator Crowell offered Senate Resolution No. 2320, regarding Caroline Bain, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 2321, regarding Kortney Cook, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 2322, regarding Rebecca Patterson, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 2323, regarding Megan Underhill, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 2324, regarding Brittany Stack, Charleston, which was adopted.

Senator Crowell offered Senate Resolution No. 2325, regarding Addie Vaughn, Bertrand, which was adopted.

Senator Crowell offered Senate Resolution No. 2326, regarding Everett Hinze, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 2327, regarding Karen E. Atwood, Cape Girardeau, which was adopted.

Senators Gibbons, Shields and Coleman offered Senate Resolution No. 2328, regarding Public Service Recognition Week, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Shoemyer introduced to the Senate, Ron Riely, Bill Garoutte, Ben Steinman, Bob and Margo Smith and sixty-five representatives from the collision repair industry.

Senator Vogel introduced to the Senate, Ashten Lortz, Ashley Dowden, Mark Lamb and Dylan Grawe, fourth grade students from Immaculate Conception Elementary School, Jefferson City; and Ashten, Ashley, Mark and Dylan were made honorary pages.

Senator Gibbons introduced to the Senate, George Parker, Columbia; Jeannine Stuart and Tom Wilsdon, St. Louis; and Penny Henke, St. Charles, representatives of Pachyderm Clubs.

Senator Bray introduced to the Senate, Rich and Pam Meyer and Dusty Taylor, Urbana; A.J. Hogan, Hermitage; Alysha Vannest, Stockton; and Keith Baker, Osceola, winners of the Mel Carnahan Essay Contest.

Senator Scott introduced to the Senate, Liz Blackburn and thirty-five students from Northwest High School, Hughesville.

Senator Green introduced to the Senate, Principal Tom Henke, Rose Sigears and forty-five eighth grade students from St. Rose Philippine Duchesne, Florissant; and John Struttman and Marlena King were made honorary pages.

Senator Ridgeway introduced to the Senate, Lisa Atkins, Brenda Deckman, Barbara Hawn, Mickey Robinson and representatives of Midwest Transplant Network.

Senator Griesheimer introduced to the Senate, Kjia and Kathy Zuroweste, New Haven; Cynthia, Scott, A.J. and Dene Hoffman, Washington; Ann, Nathan and Hannah Smith, Villa Ridge; Gina and James Leeker, Union; and Lisa, Michaela, Maria, Matthew, Ruth, Caroline and Sydney Zupan, Washington, representatives of Homeschool Cooperative.

Senator Green introduced to the Senate, former State Representative Laurie Donovan, St. Louis.

On behalf of Senators Bartle, Callahan and herself, Senator Wilson introduced to the Senate, Lanna Ultican, Chere Chaney, Cathy Spainhower and Sandy Querry, Jackson County.

Senator Dempsey introduced to the Senate, Chris Draft, Madelyn Alexander, Sara Masterson and Brent Hugh, St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-NINTH DAY—THURSDAY, APRIL 10, 2008

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)

SS for SCS for SB 768-Rupp
SS for SCS for SB 846-Rupp

SB 748-Ridgeway
(In Fiscal Oversight)

SS for SB 1159-Gibbons

SENATE BILLS FOR PERFECTION

SB 861-Shoemyer, with SCS
SB 1180-Crowell
SB 1278-Shields
SB 1057-Scott, with SCS

SJR 43-Loudon
SB 1183-Bray, with SCS
SB 1158-Mayer, with SCS

HOUSE BILLS ON THIRD READING

HB 1661-LeVota, et al (Ridgeway)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS
SB 713-Gibbons, with SCS
SB 716-Loudon, et al
SB 717-Kennedy and Shields
SB 729-Griesheimer, with SCS
SB 749-Ridgeway, with SCS
SB 756-Engler and Rupp, with SCS (pending)
SB 776-Justus and Koster, with SCS
SB 809-Stouffer, with SCS, SS for SCS &
SA 1 (pending)
SB 811-Stouffer, with SCS, SA 1 & point of
order (pending)
SB 815-Goodman
SB 817-Goodman
SB 821-Shoemyer, with SCS (pending)
SBs 840 & 857-Engler, with SCS & SS for
SCS (pending)
SB 865-Rupp and Gibbons, with SCS
SB 874-Graham, with SCS
SB 881-Green
SB 904-Griesheimer, with SCS
SBs 909, 954, 934 & 1003-Engler, with SCS
SB 915-Ridgeway
SB 917-Goodman, et al
SB 929-Green and Callahan, with SCS
SB 957-Goodman
SBs 982, 834 & 819-Purgason, with SCS
SB 990-Champion
SBs 993 & 770-Crowell, with SCS, SS for
SCS, SA 4 & SSA 1 for SA 4 (pending)

SB 996-Crowell, with SCS
SB 997-Crowell
SB 1000-Justus
SB 1007-Loudon, with SA 2 (pending)
SBs 1021 & 870-Loudon, et al, with SCS,
SS for SCS and SA 1 (pending)
SB 1035-Scott, with SCS
SB 1040-Clemens, with SCS
SB 1046-Mayer, with SA 1 & SSA 1 for
SA 1 (pending)
SB 1052-Rupp
SB 1054-Dempsey, with SCS
SB 1058-Mayer
SB 1067-Ridgeway, et al
SB 1077-Goodman
SB 1081-Nodler and Green, with SCS
SB 1093-Loudon, et al
SB 1094-Loudon, with SCS
SB 1099-Graham
SB 1103-Gibbons
SB 1138-McKenna, with SCS
SB 1139-Dempsey, et al, with SCS
SBs 1234 & 1270-Shields, with SCS &
SS for SCS (pending)
SB 1240-Dempsey
SB 1244-Barnitz and Purgason
SJR 45-Clemens

RESOLUTIONS

Reported from Committee

SCR 31-Barnitz
SCR 36-Green

SCR 39-Shields, with SCS

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Journal of the Senate

SECOND REGULAR SESSION

FORTY-NINTH DAY—THURSDAY, APRIL 10, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord loves those who hate evil; Light dawns for the righteous, and joy for the upright in heart.” (Psalm 97:10a, 11)

Faithful Father, You grant Your servants joy and protection from all that would hurt us by Your gracious healing our broken lives, mending our bodies and guiding us towards Your benevolent light. We pray especially for our Doorkeepers Ken Holman and Don Rackers that You guide the hands and minds of their physicians and touch them with Your healing presence and bring them to full health. And we pray help our hearts to be grateful in all things and share that this weekend with those You have given us to love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bartle offered Senate Resolution No. 2329, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Allen Wallace, Oak Grove, which was adopted.

Senators McKenna and Shields offered Senate Resolution No. 2330, regarding Scott James Bates, Barnhart, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 29**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 40**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Matthew K. Kirby, as a member of the Missouri Wine and Grape Board;

Also,

Johnny Dwight McNeil, Douglas E. Mitchell and Francis “Chris” Rey, as members of the Board of Private Investigator Examiners;

Also,

John D. Comerford, as a member of the Missouri Veterans’ Commission;

Also,

Adam R. Shariff, Republican, as a member of the Missouri Minority Business Advocacy Commission;

Also,

James R. Wright, Republican, as a member of the Missouri Ethics Commission;

Also,

Charles G. Misko, as a member of the Missouri Real Estate Commission;

Also,

Stanley D. Whitehurst, as a member of the Missouri Community Service Commission;

Also,

Paul C. Vescovo, III, as a member of the Peace Officer Standards and Training Commission;

Also,

Terry L. Ramsey, as a member of the State Historical Records Advisory Board.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following report, which was read:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Kevin D. Gunn, Democrat, as a member of the Public Service Commission begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Gibbons moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1628**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1670**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1828**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 1804**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 2047**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 1711**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 1410**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS for HB 1888**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1172**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason, Chairman of the Committee on Health and Mental Health, submitted the following reports:

Mr. President: Your Committee on Health and Mental Health, to which was referred **SB 1101**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health and Mental Health, to which was referred **SB 1283**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 1197**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mayer, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HCS for HBs 1876 and 1877**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS for HB 1305**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1368**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 1807**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1869**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 2048**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 2213**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 1422**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1354**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 1575**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 1309**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1952**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1887**, begs leave to report

that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 2360**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1532**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 748**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1311**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Graham moved that **SB 1099** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Loudon offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 1099, Page 1, Section 227.396, Line 5, by deleting the words “Carl Edwards Drive” and replacing them with the words “Homebirth Highway”.

Senator Loudon moved that the above amendment be adopted.

At the request of Senator Graham, **SB 1099**, with **SA 1** (pending), was placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 11:45 a.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Lager.

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 2331, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harold Lemons, Dexter, which was adopted.

Senator Bartle offered Senate Resolution No. 2332, regarding Glen Elliot, Lee’s Summit, which was

adopted.

Senators Coleman, Kennedy and Smith offered Senate Resolution No. 2333, regarding the St. Louis Public Schools' Million Minutes by March reading initiative, which was adopted.

Senator Coleman offered Senate Resolution No. 2334, regarding Justine Petersen Housing and Reinvestment Corporation, which was adopted.

Senator Crowell offered Senate Resolution No. 2335, regarding Vivian Barks, Cape Girardeau, which was adopted.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 768** was placed on the Informal Calendar.

SS for **SCS** for **SB 846** was placed on the Informal Calendar.

SB 748 was placed on the Informal Calendar.

SS for **SB 1159**, introduced by Senator Gibbons, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 1159

An Act to repeal sections 191.225 and 595.045, RSMo, and to enact in lieu thereof three new sections relating to forensic examinations.

Was taken up.

On motion of Senator Gibbons, **SS** for **SB 1159** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 768**, introduced by Senator Rupp, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 768

An Act to amend chapter 633, RSMo, by adding thereto two new sections relating to autism spectrum disorders as addressed by the department of mental health.

Was called from the Informal Calendar and taken up.

On motion of Senator Rupp, **SS** for **SCS** for **SB 768** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Bartle—1

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 846**, introduced by Senator Rupp, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 846

An Act to repeal sections 160.545, 173.256, and 173.258, RSMo, and to enact in lieu thereof three new sections relating to higher education scholarships.

Was called from the Informal Calendar and taken up.

On motion of Senator Rupp, **SS** for **SCS** for **SB 846** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Dempsey
Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Bartle Green—2

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

SB 748, introduced by Senator Ridgeway, entitled:

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to the calculation of adjusted gross income for income tax purposes, with an emergency clause.

Was called from the Informal Calendar and taken up.

On motion of Senator Ridgeway, **SB 748** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Coleman	Crowell	Dempsey	Engler
Gibbons	Goodman	Griesheimer	Justus	Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott	Shields
Shoemyer	Stouffer	Vogel	Wilson—28				

NAYS—Senators

Bray Graham Smith—3

Absent—Senators

Bartle Green—2

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Coleman	Crowell	Dempsey	Engler
Gibbons	Goodman	Green	Griesheimer	Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson—29			

NAYS—Senators

Bray

Graham

Smith—3

Absent—Senator Bartle—1

Absent with leave—Senator Days—1

Vacancies—None

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 1234** and **SB 1270**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS**, as amended, was again taken up.

Senator Shields offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1234 and 1270, Page 18, Section 135.968, Line 21 of said page, by inserting immediately after the word “measures” the following: “. **The rate of return shall be commercially reasonable and exceed the greater of the percentage increase in the Consumer Price Index for All Urban Consumers, as determined by the United States Department of Labor or its successor agency, or one hundred and fifty percent of the state's borrowing costs based on the AAA-rated twenty-year tax exempt bond rate applicable at the time of contract. The rate of return shall be verified by a professional third party financial analysis**”.

Senator Shields moved that the above amendment be adopted.

Senator Mayer assumed the Chair.

At the request of Senator Shields, **SB 1234** and **SB 1270**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 70**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 27(a) of article IV of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to the commonsense obligation to provide accountability and spending stabilization act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1319**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for employers who hire high school students for summer jobs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2321**, entitled:

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to voter registration for hunting and fishing permit applicants.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1923**, entitled:

An Act to repeal sections 28.160, 41.950, 347.179, 351.047, 351.120, 351.125, 351.127, 351.145, 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, and 356.211, RSMo, and to enact in lieu thereof thirty new sections relating to corporate filings with the secretary of state.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1981**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for certain motor vehicle purchases.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1321** and **1695**, entitled:

An Act to repeal sections 135.010, 135.025, 135.030, 137.073, 137.122, 137.720, and 143.121, RSMo,

and to enact in lieu thereof seven new sections relating to property taxation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

President Pro Tem Gibbons assumed the Chair.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **HB 1426**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **HCS** for **HB 1779**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1275**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, Senator Shields submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1164**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1716**, entitled:

An Act to repeal section 302.171, RSMo, and to enact in lieu thereof two new sections relating to noncompliance with the federal REAL ID Act of 2005.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Joel Johnson, M.D., Columbia.

Senator Coleman introduced to the Senate, Mrs. Anita Banks, Jackie Durham, Jearlena Jones, LeRoy Wright and April Harris, St. Louis.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, April 14, 2008.

SENATE CALENDAR

FIFTIETH DAY—MONDAY, APRIL 14, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HJR 70	HB 1981-Spreng, et al
HB 1319-Brown (50)	HCS for HBs 1321 & 1695
HCS for HB 2321	HB 1716-Guest, et al
HB 1923-Jones (117) and Pratt	

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens (In
Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|------------------------------|--------------------------------------|
| 1. SB 861-Shoemyer, with SCS | 8. SB 1172-Goodman, with SCS |
| 2. SB 1180-Crowell | 9. SB 1101-Bray, et al |
| 3. SB 1278-Shields | 10. SB 1283-Dempsey, et al, with SCS |
| 4. SB 1057-Scott, with SCS | 11. SB 1197-Crowell |
| 5. SJR 43-Loudon | 12. SB 1275-Vogel |
| 6. SB 1183-Bray, with SCS | 13. SB 1164-Loudon |
| 7. SB 1158-Mayer, with SCS | |

HOUSE BILLS ON THIRD READING

HB 1661-LeVota, et al (Ridgeway)	HCS for HB 1779, with SCS
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INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS	SB 717-Kennedy and Shields
SB 713-Gibbons, with SCS	SB 729-Griesheimer, with SCS
SB 716-Loudon, et al	SB 749-Ridgeway, with SCS

SB 756-Engler and Rupp, with SCS (pending)
 SB 776-Justus and Koster, with SCS
 SB 809-Stouffer, with SCS, SS for SCS & SA 1 (pending)
 SB 811-Stouffer, with SCS, SA 1 & point of order (pending)
 SB 815-Goodman
 SB 817-Goodman
 SB 821-Shoemyer, with SCS (pending)
 SBs 840 & 857-Engler, with SCS & SS for SCS (pending)
 SB 865-Rupp and Gibbons, with SCS
 SB 874-Graham, with SCS
 SB 881-Green
 SB 904-Griesheimer, with SCS
 SBs 909, 954, 934 & 1003-Engler, with SCS
 SB 915-Ridgeway
 SB 917-Goodman, et al
 SB 929-Green and Callahan, with SCS
 SB 957-Goodman
 SBs 982, 834 & 819-Purgason, with SCS
 SB 990-Champion
 SBs 993 & 770-Crowell, with SCS, SS for SCS, SA 4 & SSA 1 for SA 4 (pending)
 SB 996-Crowell, with SCS
 SB 997-Crowell

SB 1000-Justus
 SB 1007-Loudon, with SA 2 (pending)
 SBs 1021 & 870-Loudon, et al, with SCS, SS for SCS & SA 1 (pending)
 SB 1035-Scott, with SCS
 SB 1040-Clemens, with SCS
 SB 1046-Mayer, with SA 1 & SSA 1 for SA 1 (pending)
 SB 1052-Rupp
 SB 1054-Dempsey, with SCS
 SB 1058-Mayer
 SB 1067-Ridgeway, et al
 SB 1077-Goodman
 SB 1081-Nodler and Green, with SCS
 SB 1093-Loudon, et al
 SB 1094-Loudon, with SCS
 SB 1099-Graham, with SA 1 (pending)
 SB 1103-Gibbons
 SB 1138-McKenna, with SCS
 SB 1139-Dempsey, et al, with SCS
 SBs 1234 & 1270-Shields, with SCS, SS for SCS & SA 5 (pending)
 SB 1240-Dempsey
 SB 1244-Barnitz and Purgason
 SJR 45-Clemens

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120)
 HB 1670-Cooper (120)
 HB 1828-Sutherland
 HCS for HB 1804, with SCS
 HB 2047-Curls, et al, with SCS
 HB 1711-Weter, et al, with SCS
 HB 1410-Flook, et al
 HCS for HB 1888
 HCS for HBs 1876 & 1877, with SCS
 HCS for HB 1305, with SCS

HB 1368-Thomson
 HCS for HB 1807, with SCS
 HB 1869-Wilson (130), et al
 HCS for HB 2048, with SCS
 HB 2213-Kraus, et al
 HB 1422-St. Onge, et al, with SCS
 HB 1354-Wilson (119), et al
 HCS for HB 1575
 HCS for HB 1309
 HB 1952-Loehner, et al

HB 1887-Parson
HCS for HB 2360
HB 1532-Davis, with SCS

HB 1311-Hoskins, with SCS
HB 1426-Kraus

RESOLUTIONS

Reported from Committee

SCR 31-Barnitz
SCR 36-Green
SCR 39-Shields, with SCS

SCR 29-Mayer
SCR 40-Ridgeway

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Journal of the Senate

SECOND REGULAR SESSION

FIFTIETH DAY—MONDAY, APRIL 14, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Grant that I may not pray alone with the mouth; help me that I may pray from the depths of my heart.” (Martin Luther)

Gracious God, as we approach another week help us to talk with You daily. Let our conversations flow from our hearts and souls and lips. May they be integrated so what we say and what we mean be true and our lives reflect what is required of us. Guide us this day and help us walk along Your right pathways. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 10, 2008 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator Shields—1

Vacancies—None

The Lieutenant Governor was present.

Senator Goodman announced that photographers from KMOV-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 2336, regarding the death of Anne Marie Kempf, Bunceton, which was adopted.

Senator Stouffer offered Senate Resolution No. 2337, regarding Christopher Jon “Chris” Santiago, Kearney, which was adopted.

Senator Coleman offered Senate Resolution No. 2338, regarding the 2008 Chinese Spectacular, which was adopted.

Senator Kennedy offered Senate Resolution No. 2339, regarding Elitta DeArmond, Fenton, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2340, regarding Sallie Hancox, Union, which was adopted.

Senator Graham offered Senate Resolution No. 2341, regarding the One Hundredth Anniversary of the University of Missouri School of Journalism, which was adopted.

Senator Mayer offered Senate Resolution No. 2342, regarding Cora Gordon, Broseley, which was adopted.

Senator Mayer offered Senate Resolution No. 2343, regarding Chelsea Garrett, Kennett, which was adopted.

Senator Mayer offered Senate Resolution No. 2344, regarding Bridget Moore, Kennett, which was adopted.

Senator Mayer offered Senate Resolution No. 2345, regarding Jordan Shelton, Kennett, which was adopted.

Senator Mayer offered Senate Resolution No. 2346, regarding Melodie Scallorns, Kennett, which was adopted.

Senator Mayer offered Senate Resolution No. 2347, regarding Whitney Burdin, Kennett, which was adopted.

Senator Mayer offered Senate Resolution No. 2348, regarding Ashley Street, Kennett, which was adopted.

Senator Dempsey offered Senate Resolution No. 2349, regarding Alex Felzien, Saint Peters, which was adopted.

Senator Dempsey offered Senate Resolution No. 2350, regarding Slater Felzien, Saint Peters, which was adopted.

Senator Crowell offered Senate Resolution No. 2351, regarding Dr. Mitchel Gerber, which was adopted.

Senator Crowell offered Senate Resolution No. 2352, regarding Roy Merideth, which was adopted.

Senator Crowell offered Senate Resolution No. 2353, regarding Becky Hicks, which was adopted.

Senator Crowell offered Senate Resolution No. 2354, regarding Josh LaMar, which was adopted.

Senator Crowell offered Senate Resolution No. 2355, regarding Rhonda Dunham, which was adopted.

Senator Crowell offered Senate Resolution No. 2356, regarding Mr. and Mrs. Ryan James Tate, Jr., which was adopted.

Senator Loudon offered Senate Resolution No. 2357, regarding John Patrick Hartnett, Chesterfield, which was adopted.

Senator Vogel offered Senate Resolution No. 2358, regarding Deborah Carol Esposito Schulenberg, Jefferson City, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michelle T. Esswein, Independent, 1825 Bradburn Drive, Saint Louis, Saint Louis County, Missouri 63131, as a member of the Missouri Women's Council, for a term ending December 6, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Bradley D. Gardner, 530 West 9th Street, Maryville, Nodaway County, Missouri 64628, as student representative of the Northwest Missouri State University Board of Regents, for a term ending December 31, 2009, and until his successor is duly appointed and qualified; vice, Aaron Baker, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gregory D. Haddock, Republican, 310 South Walnut, Maryville, Nodaway County, Missouri 64468, as a member of the Land

Reclamation Commission, for a term ending September 28, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lori A. Ladd, 1295 Hidden Oak Road, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Missouri State Advisory Council on Pain and Symptom Management, for a term ending February 1, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert J. Kocher, Republican, 1 Belcourt Circle, Saint Charles, Saint Charles County, Missouri 63304, as a member of the Elevator Safety Board, for a term ending June 6, 2012, and until his successor is duly appointed and qualified; vice, Rita Kay Donovan, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Nick L. Matherly, Republican, 12899 Highway AD, Cabool, Texas County, Missouri 65689, as a member of the Land Reclamation Commission, for a term ending September 28, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sarah R. Murray, Democrat, 1008 West 69th Terrace, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Women's Council, for a term ending December 6, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Elizabeth M. Pierson, 17806 County Road 320, Norborne, Carroll County, Missouri 64668, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ryan P. Sanders, 10 Georgetown Circle, O'Fallon, Saint Charles County, Missouri 63368, as student representative of the University of Central Missouri Board of Governors, for a term ending December 31, 2009, and until his successor is duly appointed and qualified; vice, Anthony Arton, term expired.

Respectfully submitted,
MATT BLUNT

CONCURRENT RESOLUTIONS

Senator Ridgeway moved that **SCR 40** be taken up for adoption, which motion prevailed.

On motion of Senator Ridgeway, **SCR 40** was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Dempsey
Engler	Goodman	Graham	Green	Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senator Bartle—1

Absent—Senator Gibbons—1

Absent with leave—Senators

Days Shields—2

Vacancies—None

Senator Griesheimer assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Dempsey moved that **SB 1139**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1139**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1139

An Act to repeal sections 58.451, 58.720, 194.119, 194.210, 194.220, 194.230, 194.233, 194.240, 194.250, 194.260, 194.270, 194.280, 194.290, 194.304, and 302.171, RSMo, and to enact in lieu thereof twenty-nine new sections relating to anatomical gifts, with penalty provisions.

Was taken up.

Senator Dempsey moved that **SCS** for **SB 1139** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1139, Page 4, Section 58.451, Line 96, by inserting at the end of said line the following: “**The certificate of death shall be filed in the county where the deceased was pronounced dead.**”; and further amend line 115, by inserting at the end of said line the following: “**The certificate of death shall be filed in the county where the deceased was pronounced dead.**”; and

Further amend said bill and section, page 5, line 124, by inserting at the end of said line the following: “**The certificate of death shall be filed in the county where the deceased was pronounced dead.**”; and

Further amend said bill, page 7, section 58.720, line 68, by inserting at the end of said line the following: “**The certificate of death shall be filed in the county where the deceased was pronounced dead.**”; and further amend line 87, by inserting at the end of said line the following: “**The certificate of death shall be filed in the county where the deceased was pronounced dead.**”; and

Further amend said bill and section, page 8, line 96, by inserting at the end of said line the following: “**The certificate of death shall be filed in the county where the deceased was pronounced dead.**”.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey moved that **SCS** for **SB 1139**, as amended, be adopted, which motion prevailed.

On motion of Senator Dempsey, **SCS** for **SB 1139**, as amended, was declared perfected and ordered printed.

Senator Nodler moved that **SB 1081**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SB 1081, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1081**

An Act to repeal sections 210.900, 210.903, 210.906, 210.909, 210.915, 210.921, 210.927, 630.165, 630.167, and 633.005, RSMo, and to enact in lieu thereof fifteen new sections relating to quality assurance and safety in the division of mental retardation and developmental disabilities community programs, with penalty provisions, an emergency clause for a certain section, and an expiration date for a certain section.

Was taken up.

Senator Nodler moved that **SCS for SB 1081** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS for SB 1081** was declared perfected and ordered printed.

Senator Clemens moved that **SB 1040**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SB 1040, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1040**

An Act to repeal section 644.570, as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, and section 644.570, as enacted by house substitute for house committee substitute for senate substitute for senate committee substitute for senate bills nos. 160 & 82, ninetieth general assembly, first regular session, and to enact in lieu thereof one new section relating to storm water control assistance, with a contingent effective date.

Was taken up.

Senator Clemens moved that **SCS for SB 1040** be adopted.

Senator Scott assumed the Chair.

Senator Griesheimer assumed the Chair.

At the request of Senator Clemens, **SB 1040**, with **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 14, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment to office submitted to you on April 8, 2008, for your advice and consent:

Michael J. Schmid, Democrat, 238 Madeline's Park Circle, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri

Ethics Commission, for a term ending March 15, 2012, and until his successor is duly appointed and qualified; vice, Michael Dunard, term expired.

Respectfully submitted,
MATT BLUNT

On motion of Senator Gibbons, the above appointment was returned to the Governor per his request.

REFERRALS

President Pro Tem Gibbons referred the gubernatorial appointments appearing on pages 789-791 to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1549, 1771, 1395 and 2366**, entitled:

An Act to repeal section 302.720, RSMo, and to enact in lieu thereof five new sections relating to illegal aliens and immigration status, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1332**, entitled:

An Act to amend chapter 338, RSMo, by adding thereto four new sections relating to pharmacists and pharmacies, with a penalty clause for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1608**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 2065**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1450**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 2082**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 2233**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1419**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1791**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1617**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1689**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 1690**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

INTRODUCTIONS OF GUESTS

Senator Loudon introduced to the Senate, Burt and Fin Sellick, Thunder Bay, Ontario, Canada.

Senator Champion introduced to the Senate, Ken Meyer, Springfield.

On motion of Senator Goodman, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-FIRST DAY—TUESDAY, APRIL 15, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HJR 70

HB 1319-Brown (50)

HCS for HB 2321

HB 1923-Jones (117) and Pratt

HB 1981-Spreng, et al

HCS for HBs 1321 & 1695

HB 1716-Guest, et al

HCS for HBs 1549, 1771, 1395 & 2366

HCS for HB 1332

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 861-Shoemyer, with SCS

2. SB 1180-Crowell

3. SB 1278-Shields

4. SB 1057-Scott, with SCS

5. SJR 43-Loudon

6. SB 1183-Bray, with SCS

7. SB 1158-Mayer, with SCS

8. SB 1172-Goodman, with SCS

9. SB 1101-Bray, et al

10. SB 1283-Dempsey, et al, with SCS

11. SB 1197-Crowell

12. SB 1275-Vogel

13. SB 1164-Loudon

HOUSE BILLS ON THIRD READING

HB 1661-LeVota, et al (Ridgeway)

HCS for HB 1779, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS

SB 713-Gibbons, with SCS

SB 716-Loudon, et al

SB 717-Kennedy and Shields

SB 729-Griesheimer, with SCS
SB 749-Ridgeway, with SCS
SB 756-Engler and Rupp, with SCS (pending)
SB 776-Justus and Koster, with SCS
SB 809-Stouffer, with SCS, SS for SCS &
SA 1 (pending)
SB 811-Stouffer, with SCS, SA 1 & point
of order (pending)
SB 815-Goodman
SB 817-Goodman
SB 821-Shoemyer, with SCS (pending)
SBs 840 & 857-Engler, with SCS & SS for
SCS (pending)
SB 865-Rupp and Gibbons, with SCS
SB 874-Graham, with SCS
SB 881-Green
SB 904-Griesheimer, with SCS
SBs 909, 954, 934 & 1003-Engler, with SCS
SB 915-Ridgeway
SB 917-Goodman, et al
SB 929-Green and Callahan, with SCS
SB 957-Goodman
SBs 982, 834 & 819-Purgason, with SCS
SB 990-Champion
SBs 993 & 770-Crowell, with SCS, SS for
SCS, SA 4 & SSA 1 for SA 4 (pending)

SB 996-Crowell, with SCS
SB 997-Crowell
SB 1000-Justus
SB 1007-Loudon, with SA 2 (pending)
SBs 1021 & 870-Loudon, et al, with SCS,
SS for SCS & SA 1 (pending)
SB 1035-Scott, with SCS
SB 1040-Clemens, with SCS (pending)
SB 1046-Mayer, with SA 1 & SSA 1 for
SA 1 (pending)
SB 1052-Rupp
SB 1054-Dempsey, with SCS
SB 1058-Mayer
SB 1067-Ridgeway, et al
SB 1077-Goodman
SB 1093-Loudon, et al
SB 1094-Loudon, with SCS
SB 1099-Graham, with SA 1 (pending)
SB 1103-Gibbons
SB 1138-McKenna, with SCS
SBs 1234 & 1270-Shields, with SCS, SS
for SCS & SA 5 (pending)
SB 1240-Dempsey
SB 1244-Barnitz and Purgason
SJR 45-Clemens

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)
HB 1670-Cooper (120) (Dempsey)
HB 1828-Sutherland
HCS for HB 1804, with SCS (Days)
HB 2047-Curls, et al, with SCS (Callahan)
HB 1711-Weter, et al, with SCS (Clemens)
HB 1410-Flook, et al (Ridgeway)
HCS for HB 1888 (Clemens)
HCS for HBs 1876 & 1877, with SCS (Mayer)
HCS for HB 1305, with SCS (Rupp)

HB 1368-Thomson (Lager)
HCS for HB 1807, with SCS
HB 1869-Wilson (130), et al (Goodman)
HCS for HB 2048, with SCS
HB 2213-Kraus, et al (Shields)
HB 1422-St. Onge, et al, with SCS (Stouffer)
HB 1354-Wilson (119), et al (Scott)
HCS for HB 1575 (Vogel)
HCS for HB 1309 (Crowell)
HB 1952-Loehner, et al (Barnitz)

HB 1887-Parson (Scott)
HCS for HB 2360 (Lager)
HB 1532-Davis, with SCS (Rupp)

HB 1311-Hoskins, with SCS (Engler)
HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin
HB 2065-Wasson, with SCS
HB 1450-Roorda, et al, with SCS
HCS for HB 2082
HB 2233-Page, et al

HB 1419-Portwood
HB 1791-Cooper (155), et al
HB 1617-Cunningham (86), et al
HB 1689-Wilson (130), with SCS
HCS for HB 1690, with SCS

RESOLUTIONS

Reported from Committee

SCR 31-Barnitz
SCR 36-Green

SCR 39-Shields, with SCS
SCR 29-Mayer

✓

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FIRST DAY—TUESDAY, APRIL 15, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“It is in deep solitude that I find the gentleness with which I can truly love.” (Thomas Merton)

Almighty God, it is often in quiet and reclusion that we find our longing for You is most pronounced and it is then we recognize our need for more time to be away from the constant business of our lives. Help us to make such time and use it to strengthen our minds, bodies and spirits and learn the true love You have for us and we are to have for others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—None

Vacancies—None

The Lieutenant Governor was present.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

Senator Rupp assumed the Chair.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 2359, regarding Laura Deutschmann, which was adopted.

Senator Gibbons offered Senate Resolution No. 2360, regarding Irene Henry, which was adopted.

Senator Gibbons offered Senate Resolution No. 2361, regarding Izzy Carter, which was adopted.

Senator Purgason offered Senate Resolution No. 2362, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ronald Robertson, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2363, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Doyle Pierce, Montreal, which was adopted.

Senator Purgason offered Senate Resolution No. 2364, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Luke Van Ooyen, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2365, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Wheeler, Lebanon, which was adopted.

Senator Wilson offered Senate Resolution No. 2366, regarding Viviana Ochoa Delgado, Kansas City, which was adopted.

Senator Graham offered Senate Resolution No. 2367, regarding Jessica Schepker, Columbia, which was adopted.

Senator Vogel offered Senate Resolution No. 2368, regarding John Anthony Vignola, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 2369, regarding Andrew Joseph Schwarzer, Jefferson City, which was adopted.

Senator Scott offered Senate Resolution No. 2370, regarding the Class 4 State Champion Bolivar High School Lady Basketball Liberators, which was adopted.

Senator Scott offered Senate Resolution No. 2371, regarding the Class 3 State Champion Skyline High School Basketball Lady Tigers, which was adopted.

Senator Scott offered Senate Resolution No. 2372, regarding Trent Michael Clark, which was adopted.

Senator Graham offered Senate Resolution No. 2373, regarding STRIPES, which was adopted.

Senator Loudon offered Senate Resolution No. 2374, regarding Andrew Garland Bohn, Ballwin, which was adopted.

Senator Mayer offered Senate Resolution No. 2375, regarding Mary Patricia Brown, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 2376, regarding Charles Hayes, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 2377, regarding Harry Elmer Prouty, Williamsville, which was adopted.

Senator Mayer offered Senate Resolution No. 2378, regarding Faye Dockins, Malden, which was adopted.

Senator Mayer offered Senate Resolution No. 2379, regarding Kathie Miller, Dexter, which was adopted.

Senator Engler offered Senate Resolution No. 2380, regarding Danny Bequette, which was adopted.

Senator Stouffer offered Senate Resolution No. 2381, regarding the Central Methodist University chapter of Lambda Alpha Epsilon, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 1081** and **SCS** for **SB 1139**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **HCS** for **HB 1380**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **HCS** for **HB 2036**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **HB 1946**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **HB 1656**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

President Pro Tem Gibbons assumed the Chair.

On behalf of Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, Senator Shields submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1849**, begs leave to report that it has considered the same and recommends that the bill do pass

and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1640**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1570**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1469**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1348**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Rupp assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 1234** and **SB 1270**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Shields, **SS** for **SCS** for **SBs 1234** and **1270** was withdrawn rendering the pending **SA 5** moot.

Senator Shields offered **SS No. 2** for **SCS** for **SBs 1234** and **1270**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1234 and 1270

An Act to repeal sections 135.950 and 135.967, RSMo, and to enact in lieu thereof three new sections relating to enhanced enterprise zones.

Senator Shields moved that **SS No. 2** for **SCS** for **SBs 1234** and **1270** be adopted.

Senator Callahan offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1234 and 1270, Page 23, Section 135.968, Line 6, by striking the word “first” and inserting in lieu thereof, “second”.

Senator Callahan moved that the above amendment be adopted.

Senator Callahan offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1234 and 1270, Page 23, Section 135.968, Line 6, by striking the word “first” and inserting in lieu thereof, “second”; and further amend said page and section, line 20, by striking the word “first” and inserting in lieu thereof “second”.

Senator Callahan moved that the above substitute amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SSA 1** for **SA 1**; **SA 1**; adoption of **SS No. 2** for **SCS** for **SBs 1234** and **1270** and perfection of the bill.

Senator Callahan offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1234 and 1270, Page 1, In the Title, Line 1, by inserting after the number “1270” the following:

“Page 22, Section 135.968, Line 26, by inserting immediately after the word ‘directly’ the following:

‘**or indirectly**’; and

Further amend”.

Senator Callahan moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SA 1** to **SSA 1** for **SA 1**.

At the request of Senator Callahan, **SA 1** to **SSA 1** for **SA 1** was withdrawn.

Senator Callahan offered **SA 2** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1234 and 1270, Page 1, Line 5, by inserting after all of said line the following:

“and further amend page 22, section 135.968, line 26, by inserting immediately after the word ‘directly’ the following:

‘**or indirectly**’; and

Further amend page 23, line 22, by inserting after all of said line the following:

‘14. Provisions of subsections 12 and 13 of this section shall not apply to any construction worker or any laborer involved in the manufacturing or assembly of the taxpayer's end product.’”.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Callahan, **SA 2 to SSA 1 for SA 1** was withdrawn.

Senator Callahan offered **SA 3 to SSA 1 for SA 1**, which was read:

SENATE AMENDMENT NO. 3 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1234 and 1270, Page 1, Line 5, by inserting after all of said line the following:

“and further amend page 22, section 135.968, line 26, by inserting immediately after the word ‘directly’ the following:

‘**or indirectly**’; and

Further amend page 23, line 22, by inserting after all of said line the following:

‘14. For purposes of subsection 12 of this section the term ‘indirectly’, shall mean any person employed by the taxpayer in the capacity of bond counsel on behalf of the taxpayer, any law firm representing the taxpayer, a member of the board of directors of the taxpayer, an officer of the taxpayer, or a lobbyist for the taxpayer.’’.

Senator Callahan moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Green, Koster and Smith.

SA 3 to SSA 1 for SA 1 was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Coleman	Crowell	Days	Dempsey
Graham	Green	Justus	Kennedy	Koster	Lager	Mayer	McKenna
Shoemyer	Smith	Wilson—19					

NAYS—Senators

Champion	Engler	Gibbons	Griesheimer	Loudon	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer	Vogel—13			

Absent—Senator Clemens—1

Absent with leave—Senator Goodman—1

Vacancies—None

SSA 1 for SA 1, as amended, was again taken up.

Senator Callahan moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Coleman, Days, Koster and Green.

SSA 1 for SA 1, as amended, was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Coleman	Crowell	Days
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Dempsey	Engler	Gibbons	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Scott	Shoemyer
Smith	Wilson—26						

NAYS—Senators

Clemens	Purgason	Ridgeway	Rupp	Shields	Stouffer	Vogel—7
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Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Goodman—1

Vacancies—None

Senator Callahan offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1234 and 1270, Page 20, Section 135.968, Lines 6-17, by striking said lines.

Senator Callahan moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SA 2**.

At the request of Senator Callahan, **SA 2** was withdrawn.

At the request of Senator Shields, **SB 1243** and **SB 1270**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), were placed on the Informal Calendar.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Nodler, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HB 2001**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2002**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2003**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 2004**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 2005**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 2006**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 2007**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 2008**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 2009**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 2010**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 2011**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 2012**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 2013**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto

attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HB 1710**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HB 1972**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HB 1973**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS for HB 2204**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS for HB 1783**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HB 1784**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HB 1313**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HB 1824**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **HB 1550**, entitled:

An Act to repeal sections 167.031, 211.021, 211.033, 211.034, 211.041, 211.061, 211.071, 211.091, 211.101, and 211.161, RSMo, and to enact in lieu thereof eleven new sections relating to juvenile courts, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Shields, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Lager.

President Pro Tem Gibbons assumed the Chair.

RESOLUTIONS

Senator Rupp offered Senate Resolution No. 2382, regarding the Cottleville Fire Protection District, which was adopted.

Senator Rupp offered Senate Resolution No. 2383, regarding Jason Singleton, Wentzville, which was adopted.

Senator Rupp offered Senate Resolution No. 2384, regarding Deidre Malena Davis, Lake St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2385, regarding the St. Louis Chapter of JUGS, Inc., which was adopted.

Senator Vogel offered Senate Resolution No. 2386, regarding Command Sergeant Major Darrel Calton, Versailles, which was adopted.

Senator Koster offered Senate Resolution No. 2387, regarding Floyd C. McComas, Nevada, which was adopted.

Senator Crowell offered Senate Resolution No. 2388, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Lindsay, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2389, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Bob L. Matthews, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2390, regarding the Fiftieth Wedding Anniversary of Reverend and Mrs. Marvin Butrum, which was adopted.

Senator Crowell offered Senate Resolution No. 2391, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Moll, Perryville, which was adopted.

Senator Kennedy offered Senate Resolution No. 2392, regarding Francis R. Slay, Saint Louis, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 1893**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Lager assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 1234** and **SB 1270**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS No. 2 for **SCS** for **SBs 1234** and **1270** was again taken up.

Senator Crowell offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1234 and 1270, Page 21, Section 135.968, Line 17, by inserting immediately after all of said line the following:

“8. No taxpayer shall receive tax credits under the provisions of this section, unless such taxpayer certifies to the department that it shall not enter into a contract with any individuals or entities that are listed on the Office of the Treasury's Office of Foreign Asset Control list of sanctioned entities. Prior to approval of an application for approval of a mega-project, the taxpayer shall establish that it has a compliance process in place to prevent transactions with entities that are listed on the Office of the Treasury's Office of Foreign Asset Control list of sanctioned entities.”; and

Further renumber the remaining subsections accordingly.

Senator Crowell moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SA 3**.

Senator Crowell offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1234 and 1270, Page 21, Section 135.968, Line 17, by inserting immediately after all of said line the following:

“8. No taxpayer who receives tax credits under the provisions of this section shall enter into a contract with any entity, its subsidiaries or affiliated entities which are known to sponsor terrorism or aid the government of countries that are known to sponsor terrorism. The department of economic development shall use the Office of the Treasury's Office of Foreign Asset Control (OFAC) list of sanctioned entities to screen for terrorist status. The department shall implement an anti-terrorism screening process or service to be provided by either a third party contract or through department staff for all taxpayers who receive tax credits under this section. The anti-terrorism screening process shall provide, at a minimum: the identification of entities that are reasonably known to be operating directly with the government or a government-controlled agency in sanctioned nations listed by the United States government; and the identification of entities engaged in the sponsorship of terrorism. The department shall not approve a mega-project, issue tax credits to a taxpayer, or allow a taxpayer to receive tax credits if such taxpayer is identified through the approved screening process. If a

taxpayer who receives tax credits under this section has violated the provisions of this subsection, the department shall:

- (1) Deny authorization for issuance of tax credits under this section;**
- (2) Not issue any tax credits, previously approved, but not yet issued to such taxpayer; and**
- (3) Recapture any tax credits issued to such taxpayer in the year in which the violation is made by means of a cash payment to the state in an amount equal to the tax credits issued.”; and**

Further renumber the remaining subsections accordingly.

Senator Crowell moved that the above substitute amendment be adopted.

Senator Callahan requested a roll call vote be taken on the adoption of **SSA 1** for **SA 3** and was joined in his request by Senators Crowell, Graham, Justus and Smith.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SSA 1** for **SA 3**.

Senator Shields offered **SA 1** to **SSA 1** for **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 3 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1234 and 1270, Page 1, Line 5, by striking all of said line and inserting in lieu thereof the following:

“entity which is known”.

Senator Shields moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SA 1** to **SSA 1** for **SA 3**.

At the request of Senator Shields, **SA 1** to **SSA 1** for **SA 3** was withdrawn.

Senator Shields offered **SA 2** to **SSA 1** for **SA 3**:

SENATE AMENDMENT NO. 2 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 3 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1234 and 1270, Page 1, Line 4, by inserting after the word “section” the following:

“or subsidiary of the taxpayer”; and

Further amend line 5, by striking all of said line and inserting in lieu thereof the following:

“entity or its subsidiaries which are known”; and

Further amend page 2, line 4 by inserting immediately after the word “section” the following:

“for the year in which the department determines that a violation of this subsection has

occurred”; and

Further amend lines 5-9 by striking all of said lines and inserting in lieu thereof the following:

“(2) Not issue any tax credits authorized under the provisions of this section to the taxpayer until such time as the department certifies that the taxpayer is in full compliance with the provisions of this subsection.”.

Senator Shields moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SA 2 to SSA 1 for SA 3**.

Senator Crowell requested a roll call vote be taken on the adoption of **SA 2 to SSA 1 for SA 3** and was joined in his request by Senators Callahan, Justus, Scott and Smith.

SA 2 to SSA 1 for SA 3 was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Champion	Clemens	Coleman	Dempsey	Engler	Gibbons
Griesheimer	Justus	Kennedy	Koster	Lager	Loudon	McKenna	Nodler
Ridgeway	Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—24

NAYS—Senators

Callahan	Crowell	Graham	Green	Mayer	Purgason	Smith—7
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Absent—Senator Days—1

Absent with leave—Senator Bartle—1

Excused from voting—Senator Goodman—1

Vacancies—None

At the request of Senator Crowell, **SA 3** was withdrawn rendering the substitute amendment, as amended, moot.

Senator Crowell offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1234 and 1270, Page 23, Section 135.968, Line 22 of said page, by inserting after all of said line the following:

“14. Provisions of this section to the contrary notwithstanding, no tax credit provided under this section shall be authorized for issuance until the general assembly adopts a concurrent resolution approving the department of economic development for authorization and issuance of mega-project tax credits.”.

Senator Crowell moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SA 4**.

Senator Callahan requested a roll call vote be taken on the adoption of **SA 4** and was joined in his request by Senators Coleman, Smith, Barnitz and Justus.

Senator Mayer assumed the Chair.

Senator Dempsey assumed the Chair.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Callahan	Crowell	Days	Graham	Green	Lager	Mayer
McKenna	Purgason	Shoemyer	Smith—12				

NAYS—Senators

Bray	Clemens	Coleman	Dempsey	Engler	Gibbons	Griesheimer	Justus
Kennedy	Koster	Nodler	Ridgeway	Rupp	Scott	Shields	Stouffer
Vogel	Wilson—18						

Absent—Senators

Champion	Loudon—2
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Absent with leave—Senator Bartle—1

Excused from voting—Senator Goodman—1

Vacancies—None

At the request of Senator Shields, **SB 1234** and **SB 1270**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), were placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Charles H. Butler, Republican, 670 West Thompson Street, Kahoka, Clark County, Missouri 63445, as a member of the Missouri Horse Racing Commission, for a term ending March 15, 2009, and until his successor is duly appointed and qualified; vice, Jewett Fulkerson, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James T. Frakes, Republican, 2095 State Highway EE, Portageville, New Madrid County, Missouri 63873, as a member of the Hazardous Waste Management Commission, for a term ending April 28, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Samuel M. Hunter, Democrat, 1288 State Highway HH, Sikeston, Scott County, Missouri 63801, as a member of the Clean Water Commission, for a term ending April 12, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert F. Lawrence, 264 County Highway 469, Steele, Pemiscot County, Missouri 63877, as a member of the Well Installation Board, for a term ending February 24, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Timothy E. Schulte, Democrat, 916 Wolfrum Glen Court, Saint Peters, Saint Charles County, Missouri 63304, as a member of the Missouri Investment Trust Board of Trustees, for a term ending February 24, 2009, and until his successor is duly appointed and qualified; vice, Joseph Rechter, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kevin Skibiski, 330 Texas Drive, Ozark, Christian County, Missouri 65721, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending September 30, 2011, and until his successor is duly appointed and qualified; vice, Cheri J. Leigh, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Douglas A. Wyckoff, Democrat, 8992 NW Barwick Drive, Cameron, Cardwell County, Missouri 64429, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2011, and until his successor is duly appointed and qualified; vice, Paul Stadlman, term expired.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 1881**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

COMMUNICATIONS

Senator Engler submitted the following:

April 15, 2008

Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

Dear Mrs. Secretary:

I would like to request that HB 1824, sponsored by Representative Charles Schlottach, be removed from the Consent Calendar. This bill would designate the ice cream cone as the official state dessert.

Thank you,

/s/ Kevin Engler

Senator Kevin Engler

INTRODUCTIONS OF GUESTS

Senator Days introduced to the Senate, Linda L. Moen, P.E., Springfield.

Senator Goodman introduced to the Senate, seventeen fourth grade students from Trinity Lutheran School, Freistatt.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Jonathan Pollack, M.D., Creve Coeur.

Senator Stouffer introduced to the Senate, Birdie Kueckelhan, and Robert and Mary Koth, Pilot Grove.

Senator Mayer introduced to the Senate, Vinnie and Rebekah Clubb, Piedmont.

Senator Ridgeway introduced to the Senate, Linden West, Elise Sabaski and students from Clay County.

Senator Loudon introduced to the Senate, eighty-one fourth grade students from Mason Ridge Elementary School, Creve Coeur.

Senator Kennedy introduced to the Senate, ninety-four eighth grade students from St. Margaret Mary Alacoque, St. Louis.

Senator Green introduced to the Senate, Theresa Kremer, parents and twenty-six seventh grade students from St. Angela Merici Elementary School, Florissant; and Russell Wohldmann, Zach Stealey, Jackie Schroeder and Katie Amrien were made honorary pages.

Senator Stouffer introduced to the Senate, Gary and Donna Rank and their grandchildren, Kayce Allen Hutton and Katy Dimes, Excelsior Springs; and Kayce and Katy were made honorary pages.

Senator Barnitz introduced to the Senate, Mark Corio, Robin Loehner, Ed Brungard, Ryan Diener and Katie Gessling, representatives of Conservation Leadership Corps.

Senator Bray introduced to the Senate, Joan Patton and twenty-one eighth grade students from Saint Mary Magdalen School, Brentwood.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SECOND DAY—WEDNESDAY, APRIL 16, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HJR 70	HCS for HBs 1321 & 1695
HB 1319-Brown (50)	HB 1716-Guest, et al
HCS for HB 2321	HCS for HBs 1549, 1771, 1395 & 2366
HB 1923-Jones (117) and Pratt	HCS for HB 1332
HB 1981-Spreng, et al	HCS for HB 1550

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens (In Fiscal Oversight)	SCS for SB 1081-Nodler and Green SCS for SB 1139-Dempsey, et al
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SENATE BILLS FOR PERFECTION

1. SB 861-Shoemyer, with SCS	8. SB 1172-Goodman, with SCS
2. SB 1180-Crowell	9. SB 1101-Bray, et al
3. SB 1278-Shields	10. SB 1283-Dempsey, et al, with SCS
4. SB 1057-Scott, with SCS	11. SB 1197-Crowell
5. SJR 43-Loudon	12. SB 1275-Vogel
6. SB 1183-Bray, with SCS	13. SB 1164-Loudon
7. SB 1158-Mayer, with SCS	

HOUSE BILLS ON THIRD READING

1. HB 1661-LeVota, et al (Ridgeway)	8. HCS for HB 2006, with SCS (Nodler)
2. HCS for HB 1779, with SCS (Griesheimer)	9. HCS for HB 2007, with SCS (Nodler)
3. HB 2001-Icet (Nodler)	10. HCS for HB 2008, with SCS (Nodler)
4. HCS for HB 2002, with SCS (Nodler)	11. HCS for HB 2009, with SCS (Nodler)
5. HCS for HB 2003, with SCS (Nodler)	12. HCS for HB 2010, with SCS (Nodler)
6. HB 2004-Icet, with SCS (Nodler)	13. HCS for HB 2011, with SCS (Nodler)
7. HCS for HB 2005, with SCS (Nodler)	14. HCS for HB 2012, with SCS (Nodler)
	15. HCS for HB 2013, with SCS (Nodler)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS	SBs 993 & 770-Crowell, with SCS, SS for
SB 713-Gibbons, with SCS	SCS, SA 4 & SSA 1 for SA 4 (pending)
SB 716-Loudon, et al	SB 996-Crowell, with SCS
SB 717-Kennedy and Shields	SB 997-Crowell
SB 729-Griesheimer, with SCS	SB 1000-Justus
SB 749-Ridgeway, with SCS	SB 1007-Loudon, with SA 2 (pending)
SB 756-Engler and Rupp, with SCS (pending)	SBs 1021 & 870-Loudon, et al, with SCS,
SB 776-Justus and Koster, with SCS	SS for SCS & SA 1 (pending)
SB 809-Stouffer, with SCS, SS for SCS &	SB 1035-Scott, with SCS
SA 1 (pending)	SB 1040-Clemens, with SCS (pending)
SB 811-Stouffer, with SCS, SA 1 & point of	SB 1046-Mayer, with SA 1 & SSA 1 for SA 1
order (pending)	(pending)
SB 815-Goodman	SB 1052-Rupp
SB 817-Goodman	SB 1054-Dempsey, with SCS
SB 821-Shoemyer, with SCS (pending)	SB 1058-Mayer
SBs 840 & 857-Engler, with SCS & SS for SCS	SB 1067-Ridgeway, et al
(pending)	SB 1077-Goodman
SB 865-Rupp and Gibbons, with SCS	SB 1093-Loudon, et al
SB 874-Graham, with SCS	SB 1094-Loudon, with SCS
SB 881-Green	SB 1099-Graham, with SA 1 (pending)
SB 904-Griesheimer, with SCS	SB 1103-Gibbons
SBs 909, 954, 934 & 1003-Engler, with SCS	SB 1138-McKenna, with SCS
SB 915-Ridgeway	SBs 1234 & 1270-Shields, with SCS & SS#2
SB 917-Goodman, et al	for SCS (pending)
SB 929-Green and Callahan, with SCS	SB 1240-Dempsey
SB 957-Goodman	SB 1244-Barnitz and Purgason
SBs 982, 834 & 819-Purgason, with SCS	SJR 45-Clemens
SB 990-Champion	

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)	HB 1711-Weter, et al, with SCS (Clemens)
HB 1670-Cooper (120) (Dempsey)	HB 1410-Flook, et al (Ridgeway)
HB 1828-Sutherland	HCS for HB 1888 (Clemens)
HCS for HB 1804, with SCS (Days)	HCS for HBs 1876 & 1877, with SCS (Mayer)
HB 2047-Curls, et al, with SCS (Callahan)	HCS for HB 1305, with SCS (Rupp)

HB 1368-Thomson (Lager)
 HCS for HB 1807, with SCS (Mayer)
 HB 1869-Wilson (130), et al (Goodman)
 HCS for HB 2048, with SCS (Engler)
 HB 2213-Kraus, et al (Shields)
 HB 1422-St. Onge, et al, with SCS (Stouffer)
 HB 1354-Wilson (119), et al (Scott)
 HCS for HB 1575 (Vogel)

HCS for HB 1309 (Crowell)
 HB 1952-Loehner, et al (Barnitz)
 HB 1887-Parson (Scott)
 HCS for HB 2360 (Lager)
 HB 1532-Davis, with SCS (Rupp)
 HB 1311-Hoskins, with SCS (Engler)
 HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin (Ridgeway)
 HB 2065-Wasson, with SCS (Scott)
 HB 1450-Roorda, et al, with SCS (McKenna)
 HCS for HB 2082
 HB 2233-Page, et al

HB 1419-Portwood (Loudon)
 HB 1791-Cooper (155), et al
 HB 1617-Cunningham (86), et al (Dempsey)
 HB 1689-Wilson (130), with SCS (Scott)
 HCS for HB 1690, with SCS (Scott)

Reported 4/15

HCS for HB 1380
 HCS for HB 2036
 HB 1946-Franz, with SCS
 HB 1656-Nance and Cooper (120), with SCS
 HB 1849-Pratt and Curls
 HB 1640-Schoeller, et al, with SCS (Goodman)
 HB 1570-Franz, with SCS
 HB 1469-Pratt
 HB 1348-Portwood and Darrough

HB 1710-Flook
 HB 1972-Franz, with SCS
 HB 1973-Franz, with SCS
 HCS for HB 2204, with SCS
 HCS for HB 1783
 HB 1784-Meadows, et al
 HB 1313-Wright, et al
 HCS for HB 1893
 HB 1881-Schlottach

RESOLUTIONS

Reported from Committee

SCR 31-Barnitz
 SCR 36-Green

SCR 39-Shields, with SCS
 SCR 29-Mayer

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Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SECOND DAY—WEDNESDAY, APRIL 16, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Remember, O Lord, Your great mercy and love, for they are from of old...” (Psalm 25:6)

O Lord of heaven and earth, we are thankful for the mercies we receive every morning and the new opportunities to begin afresh this day. Help us to remember the great things You have done for us and continue to provide and may we be willing to give You thanks and praise with joy filled hearts. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 2393, regarding Annette Slattery, which was adopted.

Senator Crowell offered Senate Resolution No. 2394, regarding Anita Tygett, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2395, regarding Jay Boyer, Grassy, which was adopted.

Senator Crowell offered Senate Resolution No. 2396, regarding Sitze Auto Body, Marble Hill, which was adopted.

Senator Crowell offered Senate Resolution No. 2397, regarding Jack and Carla Watt, Marble Hill, which was adopted.

Senator Crowell offered Senate Resolution No. 2398, regarding Wayne Whitener, Marble Hill, which was adopted.

Senator Clemens offered Senate Resolution No. 2399, regarding T.A.T.U. (Teens Against Tobacco Use), Marshfield, which was adopted.

Senator Clemens offered Senate Resolution No. 2400, regarding S.O.D.A. (Students Opposed to Destructive Action), Marshfield, which was adopted.

Senator Shields offered Senate Resolution No. 2401, regarding Dr. Francis Moran, Camden Point, which was adopted.

Senator Shields offered Senate Resolution No. 2402, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Harry Cornelius, Easton, which was adopted.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HCS for HJR 70—Governmental Accountability and Fiscal Oversight.

HB 1319—Ways and Means.

HCS for HB 2321—Financial and Governmental Organizations and Elections.

HB 1923—Judiciary and Civil and Criminal Jurisprudence.

HB 1981—Ways and Means.

HCS for HBs 1321 and 1695—Ways and Means.

HB 1716—Transportation.

HCS for HBs 1549, 1771, 1395 and 2366—Pensions, Veterans' Affairs and General Laws.

HCS for HB 1332—Health and Mental Health.

HCS for HB 1550—Judiciary and Civil and Criminal Jurisprudence.

HOUSE BILLS ON THIRD READING

HB 2001, introduced by Representative Icet, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up by Senator Nodler.

On motion of Senator Nodler, **HB 2001** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senator Engler—1

Absent with leave—Senators

Ridgeway	Rupp	Smith—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 2002**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up by Senator Nodler.

SCS for **HCS** for **HB 2002**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2002

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri,

and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up.

Senator Goodman assumed the Chair.

Senator Nodler moved that **SCS** for **HCS** for **HB 2002** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 2002** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 2003**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up by Senator Nodler.

SCS for **HCS** for **HB 2003**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2003

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up.

Senator Griesheimer assumed the Chair.

Senator Nodler moved that **SCS** for **HCS** for **HB 2003** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 2003** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

On motion of Senator Shields, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Dempsey.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 2403, regarding Reilly Surveying, Marble Hill, which was adopted.

HOUSE BILLS ON THIRD READING

HB 2004, with **SCS**, introduced by Representative Icet, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up by Senator Nodler.

SCS for **HB 2004**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2004**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up.

Senator Nodler moved that **SCS** for **HB 2004** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HB 2004** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 2005**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up by Senator Nodler.

SCS for **HCS** for **HB 2005**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2005

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 2005** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 2005** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 2006**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up by Senator Nodler.

SCS for **HCS** for **HB 2006**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2006

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 2006** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 2006** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 2007**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, and Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up by Senator Nodler.

SCS for **HCS** for **HB 2007**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2007

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, and Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 2007** be adopted.

Senator Nodler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2007, Page 5, Section 7.030, Line 7, by inserting a new section immediately thereafter

“Section 7.032. Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Mega-Project Fund, such transfer shall be contingent upon the passage and approval, and signing into law of SB 1234 or HB 2393

From General Revenue Fund.....\$120,000,000”;

and further amend bill totals accordingly.

Senator Nodler moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SA 1**; adoption of **SCS** for **HCS** for **HB 2007**; and third reading of the bill.

Senator Graham offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Committee Substitute for House Bill No. 2007, Line 5, by deleting said line and inserting in lieu thereof the following, “2393, provided that no funds shall be expended until all of the capital projects at public colleges and universities receiving funds from the Lewis and Clark Discovery Fund, created under Section 173.392, RSMo, are fully funded”.

Senator Graham moved that the above amendment be adopted.

Senator Nodler raised the point of order that **SA 1** to **SA 1** is out of order as it goes beyond the title and scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Callahan requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Days, Graham, Justus and Smith.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Clemens	Engler	Gibbons	Griesheimer	Nodler	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—11					

NAYS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Coleman	Crowell	Days
Dempsey	Graham	Green	Justus	Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Purgason	Shoemyer	Smith	Wilson—22		

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Goodman—1

Vacancies—None

Senator Koster offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2007, Page 4, Section 7.020, Line 24, by deleting the number “\$7,600,000” and inserting in lieu thereof the following number “\$25,230,465”;

and further amend bill totals accordingly.

Senator Koster moved that the above amendment be adopted.

Senator Loudon offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2007, Pages 3-4, Section 7.020, by deleting said section in its entirety; and

further amend bill totals accordingly.

Senator Loudon moved that the above substitute amendment be adopted.

Senator Koster requested a roll call vote be taken on the adoption of **SSA 1** for **SA 2** and was joined in his request by Senators Days, Justus, Kennedy and Smith.

SSA 1 for **SA 2** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bartle	Crowell	Engler	Kennedy	Lager	Loudon	Mayer
Nodler	Purgason	Rupp	Scott	Stouffer	Vogel—14		

NAYS—Senators

Bray	Callahan	Champion	Clemens	Coleman	Days	Dempsey	Gibbons
Goodman	Graham	Green	Griesheimer	Justus	Koster	McKenna	Ridgeway
Shields	Shoemyer	Smith	Wilson—20				

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

SA 2 was again taken up.

Senator Koster requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Callahan, Justus, McKenna and Smith.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days	Graham	Justus	Koster	Shoemyer
Smith	Wilson—10						

NAYS—Senators

Barnitz	Bartle	Champion	Clemens	Crowell	Dempsey	Engler	Gibbons
Goodman	Green	Griesheimer	Kennedy	Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp	Scott	Shields	Stouffer	Vogel—24

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Koster offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2007, Page 19, Section 7.800, Line 2, by inserting immediately thereafter the following,

“For the purpose of investigating the occurrence of prevailing wage violations and the employment of undocumented workers

Personal Service

General Revenue.....\$800,000”,

and further amend said section, page 20, line 14, by deleting said line and inserting in lieu thereof the following,

“Total (Not to exceed 82.00 F.T.E.).....\$7,436,507”,

and amend bill totals accordingly.

Senator Koster moved that the above amendment be adopted.

Senator Purgason offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2007, Page 19, Section 7.800, Line 2, by inserting immediately thereafter the following,

“For the purpose of investigating the occurrence of prevailing wage violations and the employment of undocumented workers

Personal Service

General Revenue.....\$150,000,000”,

and further amend said section, page 20, line 14, by deleting said line and inserting in lieu thereof the following,

“Total (Not to exceed 82.00 F.T.E.).....\$7,436,507”,

and amend bill totals accordingly.

Senator Purgason moved that the above substitute amendment be adopted.

Senator Koster offered **SA 1** to **SSA 1** for **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 3 to Senate Committee Substitute for House Committee Substitute for House Bill No. 2007, Line 5, by deleting the number “\$150,000,000” and inserting in lieu thereof “\$805,000”.

Senator Koster moved that the above amendment be adopted.

At the request of Senator Purgason, **SSA 1** for **SA 3** was withdrawn, rendering **SA 1** to **SSA 1** for **SA 3** moot.

SA 3 was again taken up.

Senator Koster moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Graham, Griesheimer, McKenna and Smith.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Graham	Justus	Koster	McKenna—4
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NAYS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Green	Griesheimer	Kennedy
Lager	Loudon	Mayer	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Nodler moved that **SCS** for **HCS** for **HB 2007** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 2007** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Bartle—1

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 1711**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HCS** for **HBs 1876** and **1877**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HCS** for **HB 1305**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HCS** for **HB 1309**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 1617**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Susan M. Abdel-Rahman, 4550 Warwick Boulevard, Kansas City, Jackson County, Missouri 64111, as a member of the Drug Utilization Review Board, for a term ending October 15, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Douglas A. Copeland, Republican, #5 Douglass Lane, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Public Defender Commission, for a term ending April 15, 2014, and until his successor is duly appointed and qualified; vice, Loramel Shurtleff, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ben A. "Todd" Parnell, Democrat, 3545 Cinnamon Place, Springfield, Greene County, Missouri 65809, as a member of the Clean Water Commission, for a term ending April 12, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 16, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jillian C. Harris, 3618 Gettysburg Place, Jefferson City, Cole County, Missouri 65109, as a member of the Children's Trust Fund Board, for a term ending September 15, 2010, and until her successor is duly appointed and qualified; vice, Nanci Bobrow, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 16, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James B. Lynch, 8513 Maple, Raytown, Jackson County, Missouri 64138, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2009, and until his successor is duly appointed and qualified; vice, Kenneth Conlee, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 16, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of James T. Frakes to the Hazardous Waste Management Commission, submitted on April 15, 2008. Line 3 should be amended as follows:

"Management Commission, for a term ending April 3, 2012, and until his:

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 16, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Douglas A. Wyckoff to the Northwest Missouri State, submitted on April 15, 2008. Line 1, 2 and 3 should be amended as follows:

"Douglas A. Wyckoff, Democrat, 8992 NW Barwick Drive, Cameron, Caldwell County, Missouri 64429, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2013, and until his successor is duly appointed and"

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above appointments and addendums to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1066**.

Bill ordered enrolled.

COMMUNICATIONS

Senator Graham submitted the following:

April 16, 2008

Terry Spieler
Secretary of the Senate
Room 325, State Capitol
Jefferson City, MO 65101
Madame Secretary:

Pursuant to Senate Rule 45, I am objecting to House Bill 1532 having consent status. I believe the bill is of a controversial nature, and I request that it be taken off of the Consent Calendar and returned to its committee of origin.

Sincerely,

/s/ Chuck Graham

Sen. Chuck Graham

District 19

Also,

Senator Wilson submitted the following:

April 16, 2008

Terry Spieler
Secretary of the Senate
Room 325, State Capitol
Jefferson City, MO 65101
Madame Secretary:

Pursuant to Senate Rule 45, I am objecting to House Bill 1972, with SCS, House Bill 1973, with SCS and HCS for HB 2204, with SCS having consent status. I believe the bills are of a controversial nature, and I request that they be taken off the Consent Calendar and returned to their committee of origin.

Sincerely,

/s/ Yvonne S. Wilson

Sen. Yvonne S. Wilson

9th Senatorial District

INTRODUCTIONS OF GUESTS

Senator Goodman introduced to the Senate, seventh and eighth grade students from St. Mary's Catholic School, Pierce City.

Senator Koster introduced to the Senate, Floyd McComas, Nevada.

Senator Mayer introduced to the Senate, Elizabeth and Ray Rowland, Dexter.

Senator Champion introduced to the Senate, Laman Babayeva, Gular Rustamova, Ilgar Ilyasli, and Rovshan Najafor, Azerbaijan; and Kheyraddin (Harry) Alakbarov and Bahar Salimova, representatives of Open World Program.

On behalf of Senator Rupp, Senator Dempsey introduced to the Senate, Jennifer Koenig, adults and thirty-three fifth grade students from Messiah Lutheran School, St. Charles.

Senator Barnitz introduced to the Senate, Head Coach Ryan Robertson, Assistant Coach Lucas Branson, Courtney Dingley, Jordon Paschal, Chelsie Zimmerman, Jayme Donnelly, Kenny Knollmeyer, David Lee McCannon, Taylor Nilges, Michael Reinkemeyer, Thayne Rhoads, Quinton Sallin, Anthony Senevey, Ethan Sieglaff and Nick Vocks, members of Linn High School Boys Basketball Wildcats, fourth place winners of the Show-Me Showdown Class 3 State Championships.

Senator McKenna introduced to the Senate, Chris Allmond and seventh grade students from St. Joseph School, Imperial.

Senator Mayer introduced to the Senate, Daniel S. McConchie, Chicago, Illinois.

Senator Shoemyer introduced to the Senate, the Toms and Beckys representing Hannibal.

Senator Barnitz introduced to the Senate, Lori Moss, Rick Smith, Josh Goodridge, Matt Gooch, Andrea Westart, Sue Brown, Kathy Oliver, Andy Read, Amy Lyons, Terry Smith, Shad Becker, Connie Robinson and Laurie Freeman, members of Phelps County Leadership Class.

Senator Smith introduced to the Senate, Josh Travis, Diane Sher and Cenia Bosman, St. Louis.

Senator Gibbons introduced to the Senate, members of Leadership Missouri 2008.

Senator Shoemyer introduced to the Senate, his wife, Cheryl and their daughter, Laura, Clarence; and his niece, Jill Totter, Salisbury, North Carolina.

Senator Engler introduced to the Senate, students from South Reynolds County R-II School.

Senator Purgason introduced to the Senate, the Physician of the Day, Dr. David Barbe, M.D., Mountain Grove.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-THIRD DAY—THURSDAY, APRIL 17, 2008

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)

SCS for SB 1081-Nodler and Green
SCS for SB 1139-Dempsey, et al

SENATE BILLS FOR PERFECTION

- | | |
|------------------------------|--------------------------------------|
| 1. SB 861-Shoemyer, with SCS | 8. SB 1172-Goodman, with SCS |
| 2. SB 1180-Crowell | 9. SB 1101-Bray, et al |
| 3. SB 1278-Shields | 10. SB 1283-Dempsey, et al, with SCS |
| 4. SB 1057-Scott, with SCS | 11. SB 1197-Crowell |
| 5. SJR 43-Loudon | 12. SB 1275-Vogel |
| 6. SB 1183-Bray, with SCS | 13. SB 1164-Loudon |
| 7. SB 1158-Mayer, with SCS | |

HOUSE BILLS ON THIRD READING

- | | |
|---|------------------------------------|
| HB 1661-LeVota, et al (Ridgeway) | HCS for HB 2010, with SCS (Nodler) |
| HCS for HB 1779, with SCS (Griesheimer) | HCS for HB 2011, with SCS (Nodler) |
| HCS for HB 2008, with SCS (Nodler) | HCS for HB 2012, with SCS (Nodler) |
| HCS for HB 2009, with SCS (Nodler) | HCS for HB 2013, with SCS (Nodler) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SBs 712 & 882-Gibbons and Rupp, with SCS | SB 904-Griesheimer, with SCS |
| SB 713-Gibbons, with SCS | SBs 909, 954, 934 & 1003-Engler, with SCS |
| SB 716-Loudon, et al | SB 915-Ridgeway |
| SB 717-Kennedy and Shields | SB 917-Goodman, et al |
| SB 729-Griesheimer, with SCS | SB 929-Green and Callahan, with SCS |
| SB 749-Ridgeway, with SCS | SB 957-Goodman |
| SB 756-Engler and Rupp, with SCS
(pending) | SBs 982, 834 & 819-Purgason, with SCS |
| SB 776-Justus and Koster, with SCS | SB 990-Champion |
| SB 809-Stouffer, with SCS, SS for SCS &
SA 1 (pending) | SBs 993 & 770-Crowell, with SCS, SS for
SCS, SA 4 & SSA 1 for SA 4 (pending) |
| SB 811-Stouffer, with SCS, SA 1 & point
of order (pending) | SB 996-Crowell, with SCS |
| SB 815-Goodman | SB 997-Crowell |
| SB 817-Goodman | SB 1000-Justus |
| SB 821-Shoemyer, with SCS (pending) | SB 1007-Loudon, with SA 2 (pending) |
| SBs 840 & 857-Engler, with SCS & SS for
SCS (pending) | SBs 1021 & 870-Loudon, et al, with SCS,
SS for SCS & SA 1 (pending) |
| SB 865-Rupp and Gibbons, with SCS | SB 1035-Scott, with SCS |
| SB 874-Graham, with SCS | SB 1040-Clemens, with SCS (pending) |
| SB 881-Green | SB 1046-Mayer, with SA 1 & SSA 1 for
SA 1 (pending) |
| | SB 1052-Rupp |

SB 1054-Dempsey, with SCS
SB 1058-Mayer
SB 1067-Ridgeway, et al
SB 1077-Goodman
SB 1093-Loudon, et al
SB 1094-Loudon, with SCS
SB 1099-Graham, with SA 1 (pending)

SB 1103-Gibbons
SB 1138-McKenna, with SCS
SBs 1234 & 1270-Shields, with SCS & SS#2
for SCS (pending)
SB 1240-Dempsey
SB 1244-Barnitz and Purgason
SJR 45-Clemens

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)
HB 1670-Cooper (120) (Dempsey)
HB 1828-Sutherland
HCS for HB 1804, with SCS (Days)
HB 2047-Curls, et al, with SCS (Callahan)
HB 1410-Flook, et al (Ridgeway)
HCS for HB 1888 (Clemens)
HB 1368-Thomson (Lager)
HCS for HB 1807, with SCS (Mayer)
HB 1869-Wilson (130), et al (Goodman)

HCS for HB 2048, with SCS (Engler)
HB 2213-Kraus, et al (Shields)
HB 1422-St. Onge, et al, with SCS (Stouffer)
HB 1354-Wilson (119), et al (Scott)
HCS for HB 1575 (Vogel)
HB 1952-Loehner, et al (Barnitz)
HB 1887-Parson (Scott)
HCS for HB 2360 (Lager)
HB 1311-Hoskins, with SCS (Engler)
HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin (Ridgeway)
HB 2065-Wasson, with SCS (Scott)
HB 1450-Roorda, et al, with SCS (McKenna)
HCS for HB 2082
HB 2233-Page, et al

HB 1419-Portwood (Loudon)
HB 1791-Cooper (155), et al (Barnitz)
HB 1689-Wilson (130), with SCS (Scott)
HCS for HB 1690, with SCS (Scott)

Reported 4/15

HCS for HB 1380 (Goodman)
HCS for HB 2036
HB 1946-Franz, with SCS (Champion)
HB 1656-Nance and Cooper (120), with SCS
HB 1849-Pratt and Curls
HB 1640-Schoeller, et al, with SCS (Goodman)

HB 1570-Franz, with SCS (Champion)
HB 1469-Pratt (Goodman)
HB 1348-Portwood and Darrough (Loudon)
HB 1710-Flook (Ridgeway)
HCS for HB 1783
HB 1784-Meadows, et al

HB 1313-Wright, et al (Mayer)
HCS for HB 1893 (Dempsey)

HB 1881-Schlottach

RESOLUTIONS

Reported from Committee

SCR 31-Barnitz
SCR 36-Green

SCR 39-Shields, with SCS
SCR 29-Mayer

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Journal of the Senate

SECOND REGULAR SESSION

FIFTY-THIRD DAY—THURSDAY, APRIL 17, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Age brings wisdom for those who are open to growth.” (Thomas Green)

Father of Light and Wisdom, thank You for giving us a mind that can know and a heart that can love. Help us to keep learning every day of our lives. Grant us the grace to put our knowledge to use in our work here and in our relationships at home. Grant us understanding so we know what others go through while we are here and their need for our love and presence when we are there. In Your Holy Name we pray. Amen..Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Champion offered Senate Resolution No. 2404, regarding Frank Farmer, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 2405, regarding Don Wessel, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 2406, regarding Bill Turner, Springfield, which was adopted.

Senator Mayer offered Senate Resolution No. 2407, regarding the Seventieth Birthday of Polly Jane Sheets, Dexter, which was adopted.

Senator Callahan offered Senate Resolution No. 2408, regarding the death of William Southern "Bill" Carnes, Independence, which was adopted.

Senator Justus offered Senate Resolution No. 2409, regarding Kelly Pittman, which was adopted.

Senator Justus offered Senate Resolution No. 2410, regarding Casey E. Bruce, which was adopted.

Senator Mayer offered Senate Resolution No. 2411, regarding the Butler County Fire Department, which was adopted.

Senator Smith offered Senate Resolution No. 2412, regarding Nicholas Pisoni, St. Louis, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2413, regarding Jeannie Childress, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2414, regarding Teresa Cotton, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2415, regarding Barbara Campbell, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2416, regarding Terri Emel, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2417, regarding Jo Beth Harvey, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2418, regarding Jim Morgan, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2419, regarding Shari Moore, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2420, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Giltner, Louisiana, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2421, regarding Dr. Howard N. Short, Town and Country, which was adopted.

Senator Gibbons offered Senate Resolution No. 2422, regarding Mayor Mike Swoboda, Kirkwood, which was adopted.

Senator Green offered Senate Resolution No. 2423, regarding Betty Coll, Bellefontaine Neighbors, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 7**.

HOUSE CONCURRENT RESOLUTION NO. 7

Whereas, international education is a critical component of higher education in Missouri and contributes to the economy of the state and to a diverse college environment, enhancing both academic and extra-curricular programs; and

Whereas, international education is critical to promoting a broadened worldview and therefore preparing Missourians for life and work in the global economy and creating a diverse academic environment by exchanging scholars and students between countries and building the foundation for future business success; and

Whereas, higher education should emphasize international education, including foreign language instruction and study abroad in order to ensure graduates have the cross-cultural skills necessary to function effectively in the global workforce; and

Whereas, the Missouri General Assembly recognizes the social importance of cultural awareness, the need to promote study-abroad programs that serve Missouri students and the economic significance of international students who come to Missouri for educational opportunities provided by the state; and

Whereas, the net contribution to our state's economy by international students and their families was estimated at over \$217 million in 2006-2007 and a strategy at the state and national level is needed to ensure America's status as a magnet for international students and scholars; and

Whereas, the economy of Missouri is inextricably tied to the rest of the world and state economic development depends upon a deliberate strategic development plan that includes recognition of the role of international education in all its facets; and

Whereas, heightened cultural awareness is critical to national interests and is a critical component of foreign policy, and Missouri's colleges and universities play a key role in developing foreign language and foreign-area expertise by promoting language study, study abroad, and faculty exchange programs; and

Whereas, the United States' national security and economic interests and competitiveness depend significantly on the country's ability to provide future leaders with the best education possible:

Now, therefore, be it resolved by the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, that international education is an essential component of the future of the State of Missouri and the Missouri General Assembly supports and encourages students and faculty to promote international education as a part of curricular and extra-curricular life at the State's colleges and universities to ensure that students and future leaders are prepared to meet the challenges of a global society; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for each institution of higher education in this state.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **HCR 21**.

HOUSE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 21

Whereas, the Department of Health and Senior Services is currently seeking to reform the current funding formula for the distribution of funds to area agencies on aging; and

Whereas, the Department is currently in discussions with the area agencies on aging and has conducted extensive research for a new formula for the distribution of funds to area agencies on aging that is more equitable to the needs of seniors; and

Whereas, a new formula will include more effective allowances for social and economic need as opposed to geographic location or population; and

Whereas, after completing its study on the issue, the House Interim Committee on Senior Nutrition concurred with the Department of Health and Senior Services that reform of the current funding formula for the distribution of funds to area agencies on aging would be a benefit to the seniors of this state; and

Whereas, in the final report of the House Interim Committee on Senior Nutrition, the Interim Committee supported the efforts of the Department of Health and Senior Services to reform the current funding formula for the distribution of funds to area agencies on aging:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, hereby support and endorse the efforts of the Department of Health and Senior Services to more equitably meet the nutrition needs of our seniors by reforming the current funding formula for the distribution of funds to area agencies on aging; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Governor and the Director of the Department of Health and Senior Services.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 5**.

HOUSE CONCURRENT RESOLUTION NO. 5

Whereas, the United States Department of Veterans Affairs (VA) provides medical care for veterans, including men and women, who have risked their lives to protect the security of our nation; and

Whereas, the funding for this health care at the VA is passed each year by Congress as part of the discretionary budget; and

Whereas, each year the budget that gets passed has been seriously underfunded; and

Whereas, this serious and now chronic shortfall affects the access to and the quality of medical care services that the VA provides for our veterans; and

Whereas, the priority of serving our veterans must be absolute and irrevocable, and must be the foundation for the VA and for our nation:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, hereby urgently request the United States Congress to pass assured funding for Veterans Health Care; and

Be it further resolved that the Governor and the Missouri Congressional Delegation are urgently requested to support assured funding for our veterans' health care; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, the Secretary of Veterans Affairs, key members of Congress, all veterans organizations registered with the Missouri Veterans' Commission, and each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 19**.

HOUSE CONCURRENT RESOLUTION NO. 19

Whereas, Missouri needs a foundational, centralized, guiding document that clarifies the state's interpretation of existing laws and practices relating to educating children who are deaf and hard of hearing; and

Whereas, Missouri needs to clarify standard educational principles for educators and administrators, and to provide ongoing direction to policymakers so that children who are deaf and hard of hearing will not be left behind in our educational system; and

Whereas, deaf and hard of hearing children have the same right and potential to become as independent and self-actualizing as their hearing peers:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, hereby endorse the “Deaf and Hard of Hearing Children's Bill of Rights” as follows:

- (1) Children who are deaf or hard of hearing are entitled to appropriate screening and assessment of hearing capabilities, communication, and language needs at the earliest possible age and to the continuation of screening services throughout the educational experience;
- (2) Children who are deaf or hard of hearing are entitled to early intervention to provide for acquisition of solid language bases developed at the earliest possible age;
- (3) Children who are deaf or hard of hearing are entitled to their parents' or guardians' full and informed participation in their educational planning;
- (4) Children who are deaf or hard of hearing benefit from interaction with adult role models who are deaf or hard of hearing;
- (5) Children who are deaf or hard of hearing benefit from interacting with their deaf, hard of hearing, and hearing peers;
- (6) Children who are deaf or hard of hearing are entitled to qualified teachers, interpreters, and resource personnel who communicate effectively with each child in that child's preferred mode of communication;
- (7) Children who are deaf or hard of hearing are entitled to placement best suited to each child's individual needs, including but not limited to social, emotional, and cultural needs, with consideration for the child's age, degree of hearing loss, academic level, mode of communication, style of learning, motivational level, and amount of family support;
- (8) Children who are deaf or hard of hearing are entitled to individual considerations for free, appropriate education across a full spectrum of educational programs;
- (9) Children who are deaf or hard of hearing are entitled to full support services provided by qualified professionals in their educational settings;
- (10) Children who are deaf or hard of hearing are entitled to full access to all programs in their educational settings;
- (11) Children who are deaf or hard of hearing are entitled to have the public fully informed concerning medical, cultural, and linguistic issues of deafness and hearing loss;
- (12) Children who are deaf or hard of hearing benefit by having deaf and hard of hearing adults involved in determining the extent, content, and purpose of programs that affect their education; and
- (13) Children who are deaf or hard of hearing are entitled to free and unrestricted communication with others who communicate in their same language mode. The child's preferred mode of communication should be respected in order to attain the highest education possible for that individual in an appropriate environment; and

Be it further resolved that notwithstanding any of the above principles, nothing in this resolution shall require:

- (1) Individual school districts to ensure the availability of a specific number of deaf or hard of hearing peers; or
- (2) Parents to abrogate their statutory rights to educational choice; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 8**.

HOUSE CONCURRENT RESOLUTION NO. 8

Whereas, hydrocephalus is a serious neurological condition, characterized by the abnormal build up of cerebrospinal fluids in the ventricles of the brain; and

Whereas, there is no known cure for hydrocephalus, which effects an estimated one million Americans; and

Whereas, one or two in every one thousand babies are born with hydrocephalus; and

Whereas, over 375,000 older Americans have hydrocephalus which often goes undetected or misdiagnosed as dementia, Alzheimer's disease, or Parkinson's disease; and

Whereas, with appropriate diagnosis and treatment, people with hydrocephalus are able to live full and productive lives; and

Whereas, the standard treatment for hydrocephalus was developed in 1953 and carries multiple risks, including shunt failure, infection, and over drainage; and

Whereas, there are fewer than ten centers in the United States specializing in the treatment of adults with normal pressure hydrocephalus; and

Whereas, each year the people of the United States spend in excess of one million dollars to treat hydrocephalus; and

Whereas, the Hydrocephalus Association is one of the nation's oldest and largest patient and research advocacy and support network for individuals suffering from hydrocephalus; and

Whereas, further research into the epidemiology, pathology, disease burden, and improved treatment of hydrocephalus should be conducted and supported; and

Whereas, public awareness and professional education regarding hydrocephalus should increase through partnership between the local, state, and federal governments and patient advocacy organizations, such as the Hydrocephalus Association:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, hereby recognize the month of April 2008 as "Hydrocephalus Awareness Month" in Missouri so that Missourians can become more familiar with hydrocephalus and the individuals dedicated to finding its cure; and

Be it further resolved that the Missouri General Assembly urges the federal government to collect comprehensive statistics and data regarding the seriousness of hydrocephalus and its impact on American families.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that House has taken up and adopted **HCR 16**.

HOUSE CONCURRENT RESOLUTION NO. 16

Whereas, the Government Pension Offset (GPO) and Windfall Elimination Provision (WEP) of the federal Social Security Act penalize people who have dedicated their lives to public and military service by taking away benefits they have earned; and

Whereas, nine out of ten public employees affected by the GPO lose their entire spousal benefit, even though their spouse paid Social Security taxes for many years; and

Whereas, the WEP causes hard-working people to lose up to sixty percent of the benefits they earned themselves; and

Whereas, many workers rely on misleading Social Security Administration statements that fail to take into account the GPO and WEP when projecting benefits; and

Whereas, the impact of the GPO and WEP is not just felt in those states in which public employees, including retired veterans, are not covered by Social Security, because people move from state to state and affected individuals are everywhere; and

Whereas, the GPO and WEP apply to Missouri retired veterans; and

Whereas, the number of people affected across the country is growing every day as more and more people reach retirement age; and

Whereas, some 300,000 individuals lose an average of \$3,600 a year due to the GPO which can make the difference between self-sufficiency and poverty; and

Whereas, these people have less money to spend in their local economy and sometimes have to turn to expensive government programs like food stamps to make ends meet; and

Whereas, the nation should respect, not penalize, public and military service; and

Whereas, the GPO and WEP are established in federal law and repeal of the GPO and WEP can only be enacted by the United States Congress:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, hereby urge the Congress of the United States to immediately repeal the Government Pension Offset and Windfall Elimination Provision of the Social Security Act; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 18**.

HOUSE CONCURRENT RESOLUTION NO. 18

Whereas, the western part of Missouri is a growing, vital part of Missouri's commerce and economic development; and

Whereas, U.S. Highway 71 is an important link for communities, companies, and citizens along this corridor; and

Whereas, the Missouri I-49 Coalition is a nonprofit organization consisting of concerned citizens, organizations, and communities organized for the sole purpose of improving U.S. Highway 71 to interstate standards and designating it as part of Interstate 49; and

Whereas, designation of U.S. Highway 71 as a part of I-49 will provide western Missouri with the shortest direct route into international commerce by way of the Gulf of Mexico at New Orleans:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, hereby:

- (1) Recognize the Missouri I-49 Coalition as the official organization for this project in the State of Missouri;
- (2) Recognize the importance of I-49 to the State of Missouri;
- (3) Support the upgrading of U.S. Highway 71 to interstate standards;
- (4) Encourage the Missouri Department of Transportation to support conceptually the idea of an I-49 corridor;
- (5) Encourage the Missouri Congressional Delegation to pursue federal funds to assist with this project; and
- (6) Urge the United States Department of Transportation to support the designation of U.S. Highway 71 in Missouri as a part of Interstate 49; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Mary E. Peters, the Secretary of the United States Department of Transportation, Pete Rahn, the Director of the Missouri Department of Transportation, each member of the Missouri Highways and Transportation Commission, and each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 26**.

HOUSE CONCURRENT RESOLUTION NO. 26

Whereas, providing art, drama, and music education teaches our children to compete creatively in our global economy; promotes greater success in math, reading, problem solving, decision making, self-esteem, self-discipline, and accepting responsibility to finish tasks; and contributes to higher attendance and graduation rates; and

Whereas, comprehensive arts education is eroding in our public schools, with instructional time for art and music being reduced by 22% in school districts; and

Whereas, the federal government recognizes the importance of art education in our children's education by designating it as a required core academic subject; and

Whereas, students who participate in the arts outperform those who do not on virtually every measure. Researchers have found that sustained learning in music and theater correlates to greater success in math and reading, with students from lower socioeconomic backgrounds reaping the greatest benefits; and

Whereas, the arts are uniquely able to boost learning and achievement for young children, students with disabilities, students from economically disadvantaged circumstances, and students needing remedial instruction. A 1992 Auburn University study found significant increases in self-concept of at-risk children participating in an arts program that included music, movement, dramatics, and arts, as measured by the Piers-Harris Children's Self-Concept Scale; and

Whereas, skills learned through the discipline of music transfer to study skills, communication skills, and cognitive skills useful in every part of the curriculum. In 1992, researchers at the University of Montreal used various brain imaging techniques to investigate brain activity during musical tasks and found that sight-reading musical scores and playing music both activate regions in all four of the cortex's lobes, and that parts of the cerebellum are also activated during those tasks. Likewise, in 1994, researchers in Leipzig found that brain scans of musicians showed larger planum temporale (a brain region related to some reading skills) than those of non-musicians. They also found that the musicians had a thicker corpus callosum (the bundle of nerve fibers that connects the two halves of the brain) than those of non-musicians, especially for those who had begun their training before the age of seven; and

Whereas, researchers have found music therapy to be beneficial in unlocking the social interactions autism prevents in autistic children and in treating people who may not be able to speak as a result of brain damage from a stroke; and

Whereas, the schools that produce the highest academic achievement in the United States today are spending 20% to 30% of the day on the arts. United States Department of Education data from 1999 show that students who report consistently high levels of involvement in instrumental music during the middle school and high school years show "significantly higher levels of mathematics proficiency by grade 12"; and

Whereas, with music in schools, students connect to each other better, resulting in greater camaraderie, fewer fights, less racism, and reduced use of hurtful sarcasm. With music instruction in schools, teachers found that students were less aggressive. Nine out of ten adults and teenagers who play instruments agree that music making brings the family closer together. College-age musicians are emotionally healthier than their non-musician counterparts for performance anxiety, emotional concerns, and alcohol-related problems; and

Whereas, the National Association for Music Education reports that schools that have music programs have significantly higher attendance rates (93.3% as compared to 84.9%) and graduation rates (90.2% as compared to 72.9%). As the percentage of students enrolled in a music class increases, so does the graduation rate of the school:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, hereby acknowledge the commitment of school districts in Missouri to enrich the lives of students through the fine arts and commend their efforts; and

Be it further resolved that the General Assembly recognizes the importance of fine arts in our children's public education and the profound effect they have on the ability of students to interact, communicate, learn, and achieve in a global economy, where every advantage available is necessary; and

Be it further resolved that the General Assembly strongly urges and encourages the Governor of the State of Missouri and the Department of Elementary and Secondary Education to secure these advantages to our students by seeking additional funding for fine arts education from all available sources, including federal grants and aid; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Governor Matt Blunt, the Missouri Department of Elementary and Secondary Education, and each school district in Missouri.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 25**.

HOUSE CONCURRENT RESOLUTION NO. 25

Whereas, the U.S. Consumer Product Safety Commission (CPSC) is charged with protecting the public from unreasonable risks of serious injury or death from more than 15,000 types of consumer products under the agency's jurisdiction. The CPSC has rated furniture tip-overs as number 3 of the top 5 hidden home hazards; and

Whereas, according to the CPSC, each year an estimated 3,000 children ages 5 and younger nationwide go to the emergency room with injuries caused by television sets falling or tipping over, and at least 100 people - mostly young children - have been killed since 2000 by falling televisions or other furniture; and

Whereas, in September of 2006, the CPSC warned parents and caregivers about the dangers of television and heavy furniture tipping over and killing young children. From 2000 to 2005, CPSC had reports of 36 television tip-over deaths and 65 furniture tip-over deaths. More than 80% of all these deaths involved young children; and

Whereas, the number of deaths due to furniture tip-overs is on the rise. In 2006, the CPSC reported 31 deaths from improperly secured furniture and televisions, with tip-overs resulting in an average of 22 deaths per year; and

Whereas, very heavy furniture items can potentially cause crush injuries, but more commonly when a large dresser, shelf, or home entertainment center tips, the resulting injury is often suffocation. Children become pinned between the tipping furniture and the bed or floor, unable to breathe or call for help, making it a nearly silent event; and

Whereas, the danger of tipping comes when a child tries to climb the front of a furniture piece. In these accidents, the child attempts to reach the top of the furniture piece by using a bottom drawer or shelf like a step. The weight of the furniture and the child pulling down in the front causes the whole piece to tilt forward. Heavy items on top of the furniture can fall on the child or the furniture piece itself can fall forward onto the child; and

Whereas, the committee of the American Society for Testing and Materials (ASTM) met in March 2007 to discuss and revise a proposed standard for testing tipping on dressers, armoires, and drawer chests. However, the ASTM can only establish voluntary standards and the proposed revised standard does not include other types of furniture, such as entertainment centers, television stands, or any piece of furniture 30 inches in height or less; and

Whereas, while the ASTM, furniture executives, and consumer safety advocates are working together to form voluntary safety standards to address this issue, the increase in tipping furniture deaths and injuries to children demands mandatory regulation regarding labeling, furniture standards, and the use of anchoring devices:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, hereby urge the United States Congress and the Consumer Product Safety Commission to immediately enact mandatory regulations that:

- (1) Strengthens and makes mandatory the ASTM International's voluntary furniture safety standard for furniture tip-over hazards;
- (2) Requires warning labels on tip-over risks to be posted on all assembled and ready-to-assemble furniture and major appliances; and
- (3) Requires all furniture and major appliances with a tip-over risk to come with anchoring devices that can be used to safely secure them to walls; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Nancy A. Nord, the Acting Chairman of the Consumer Product Safety Commission and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2328**, entitled:

An Act to amend chapters 135 and 144, RSMo, by adding thereto two new sections relating to tax incentives.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Dorothy E.A. Rowland, as a member of the Child Abuse and Neglect Review Board;

Also,

Randy L. Sanders, Republican, as a member of the Missouri Fire Education Commission;

Also,

Neal E. Boyd and Richard A. Gronniger, as members of the Missouri Workforce Investment Board;

Also,

Charlie L. Taylor, as a member of the Missouri Planning Council on Developmental Disabilities;

Also,

Charles R. Pryor, Republican, as a member of the Board of Probation and Parole;

Also,

Grace M. Nichols, Democrat, as a member of the State Highway and Transportation Commission;

Also,

Douglas L. Sutton, Republican, as a member of the Northwest Missouri State University Board of Regents;

Also,

Wallace N. Patrick, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Louis B. Eckelkamp, Jr., Republican, as a member of the Missouri Development Finance Board.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **HCS** for **HB 1619**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **HB 1384** and **HB 2157**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 738**, begs leave to report that it has considered the same and recommends that the Senate

Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which were referred **HCS for HB 2104, HB 1574, HB 1706, HCS for HB 1774, HB 2055** and **HCS for HB 2056**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS for HJR 55**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Mayer, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 1170**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HB 1937**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 2224**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 1711**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **HB 1970**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which were referred **SB 1181, SB 1100, SB 1262** and **SB 1263**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

THIRD READING OF SENATE BILLS

SCS for SB 1081, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1081

An Act to repeal sections 210.900, 210.903, 210.906, 210.909, 210.915, 210.921, 210.927, 630.165, 630.167, and 633.005, RSMo, and to enact in lieu thereof fifteen new sections relating to quality assurance and safety in the division of mental retardation and developmental disabilities community programs, with penalty provisions, an emergency clause for a certain section, and an expiration date for a certain section.

Was taken up by Senator Nodler.

Senator Mayer assumed the Chair.

On motion of Senator Nodler, **SCS** for **SB 1081** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—32

NAYS—Senator Bartle—1

Absent—Senator Smith—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senator Bartle—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 1139, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1139**

An Act to repeal sections 58.451, 58.720, 194.119, 194.210, 194.220, 194.230, 194.233, 194.240, 194.250, 194.260, 194.270, 194.280, 194.290, 194.304, and 302.171, RSMo, and to enact in lieu thereof twenty-nine new sections relating to anatomical gifts, with penalty provisions.

Was taken up by Senator Dempsey.

On motion of Senator Dempsey, **SCS for SB 1139** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for HB 2008, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up by Senator Nodler.

SCS for HCS for HB 2008, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2008

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 2008** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 2008** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 2009**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up by Senator Nodler.

SCS for **HCS** for **HB 2009**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2009

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of

Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 2009** be adopted.

Senator Koster offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2009, Page 10, Section 9.235, Line 2, by inserting a new line immediately thereafter

“For the payment of the court ordered judgement in case 04-CV-324864

From General Revenue..... \$4,450,218”;

and adjust section and bill totals accordingly.

Senator Koster moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Green, Shoemyer and Smith.

Senator Lager assumed the Chair.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Callahan	Coleman	Days	Engler	Graham	Green	Justus	Kennedy
Koster	McKenna	Shoemyer	Smith	Wilson—13			

NAYS—Senators

Bartle	Bray	Champion	Clemens	Crowell	Dempsey	Gibbons	Goodman
Griesheimer	Lager	Loudon	Mayer	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20				

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

Senator Nodler moved that **SCS** for **HCS** for **HB 2009** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 2009** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **SCS** for **HCS** for **HB 2014**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Lager assumed the Chair.

HOUSE BILLS ON THIRD READING

HCS for **HB 2010**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up by Senator Nodler.

SCS for **HCS** for **HB 2010**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2010

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 2010** be adopted.

Senator Crowell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2010, Page 35, Section 10.690, Line 48, by striking the number “153,752,883” and inserting in lieu thereof the number “159,590,560”; and

Further amend said bill, Page 35, Section 10.690, Line 49, by deleting the number “261,795,451” and inserting in lieu thereof the number “271,735,279”;

and adjust bill totals accordingly.

Senator Crowell moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Gibbons, Nodler, Shoemyer and Smith.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Callahan	Crowell	Engler	Graham	Justus	Koster	Lager	Shoemyer
Smith—9							

NAYS—Senators

Barnitz	Bartle	Bray	Champion	Clemens	Coleman	Dempsey	Gibbons
Goodman	Green	Griesheimer	Kennedy	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Stouffer	Vogel	Wilson—24

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

Senator Nodler moved that **SCS** for **HCS** for **HB 2010** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 2010** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 2011, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up by Senator Nodler.

SCS for HCS for HB 2011, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2011

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up.

Senator Nodler moved that **SCS for HCS for HB 2011** be adopted.

Senator Smith offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2011, Page 22, Section 11.465, Line 8, by deleting the number “\$3,915,400” and inserting in lieu thereof the number “\$10,008,028”; and

further amend said section, line 9 by deleting the number “8,274,670” and inserting in lieu thereof the number “18,648,604”; and

further amend said bill, page 23, Section 11.485, line 15 by deleting the number “\$76,438,281” and inserting in lieu thereof the number “\$76,747,905”; and

further amend said section, line 16 by deleting the number “130,304,385” and inserting in lieu thereof the number “130,831,582”; and

further amend said bill, page 24, Section 11.490, line 11 by deleting the number “\$241,749,244” and inserting in lieu thereof the number “\$244,459,273”; and

further amend said section, line 12 by deleting the number “698,498,142” and inserting in lieu thereof the number “703,112,517”; and

adjust section and bill totals accordingly.

Senator Smith moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Justus, Shoemyer and Koster.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Engler	Graham	Justus	Kennedy	Koster
McKenna	Smith	Wilson—11					

NAYS—Senators

Barnitz	Bartle	Champion	Clemens	Crowell	Dempsey	Gibbons	Goodman
Green	Griesheimer	Lager	Loudon	Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel—22		

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

Senator Justus offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2011, Page 15, Section 11.275, Line 8, by deleting the number “\$71,837,747” and inserting in lieu thereof “\$74,237,747”; and adjust section and bill totals accordingly.

Senator Justus moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Koster, Smith, Bray and Wilson.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Graham	Justus	Kennedy	Koster	Shoemyer
Smith	Wilson—10						

NAYS—Senators

Barnitz	Bartle	Champion	Clemens	Dempsey	Engler	Gibbons	Goodman
Green	Griesheimer	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Stouffer	Vogel—22		

Absent—Senators—None

Absent with leave—Senators

Crowell Days—2

Vacancies—None

Senator Nodler moved that **SCS** for **HCS** for **HB 2011** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 2011** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Dempsey	Engler
Gibbons	Goodman	Graham	Green	Griesheimer	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson—29			

NAYS—Senators

Bartle	Justus	Smith—3
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Absent—Senators—None

Absent with leave—Senators

Crowell	Days—2
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Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 2012**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up by Senator Nodler.

SCS for **HCS** for **HB 2012**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2012

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief

Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 2012** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 2012** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Dempsey
Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Koster	Lager
Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senator Kennedy—1

Absent—Senator Engler—1

Absent with leave—Senators

Crowell Days—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 2013**, with **SCS**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up by Senator Nodler.

SCS for **HCS** for **HB 2013**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2013

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 2013** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 2013** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Dempsey
Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Engler—1

Absent with leave—Senators

Crowell Days—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which

was referred **SB 1245**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 1763**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 2068**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2058**, entitled:

An Act to repeal sections 32.105, 67.1501, 67.1545, 135.967, 137.115, 137.1018, 447.708, 620.495, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof fourteen new sections relating to tax incentives for business development, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 71**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri, and adopting three new sections relating to the Missouri Veterans' Commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

COMMUNICATIONS

Senator Coleman submitted the following:

April 17, 2008

Terry Spieler - Secretary of the Senate
State Capitol, Room 325
Jefferson City, Missouri 65101

RE: House Bill 1348

Dear Ms. Spieler:

On April 15, 2008, the above-referenced bill was reported from committee and placed on the Senate calendar as a consent bill. Pursuant to Senate Rule 45, please consider this correspondence to be my objection to the consideration of this bill as a consent bill and my request that

the bill be returned to the Senate committee from which it was reported.

Sincerely,

/s/ Maida

Maida J. Coleman

Minority Floor Leader

Also,

Senator Shields submitted the following:

April 17, 2008

Ms. Terry L. Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65109

Dear Ms. Spieler:

Pursuant to Senate Rule 45, I am requesting that Senate Committee Substitute for House Bill 1656 be removed from the Consent Calendar. Thank you for your attention to this matter, please contact my office if you have any questions.

Sincerely,

/s/ Charlie

Charlie Shields

Also,

Senator Bartle submitted the following:

April 17, 2008

Terry Spieler

Secretary of Senate

Room 325, State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler,

Pursuant to Senate Rule 45, I am objecting to House Bill 2082 having consent status. I respectfully request the bill be removed from the Consent Calendar and returned to its committee of origin.

Sincerely,

/s/ Matt Bartle

Matt Bartle

RESOLUTIONS

Senator Justus offered Senate Resolution No. 2424, regarding Professor Edwin T. Hood, which was adopted.

Senator Koster offered Senate Resolution No. 2425, regarding Sue Whitman, Warrensburg, which was adopted.

Senator Koster offered Senate Resolution No. 2426, regarding Richard Peckman, Nevada, which was adopted.

Senator Rupp offered Senate Resolution No. 2427, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Thomas Rielly, O’Fallon, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Crowell introduced to the Senate, fourth grade students from Clippard Elementary School, Cape Girardeau.

Senator Stouffer introduced to the Senate, Christal Milligan and Helen Harris, Lexington.

Senator Champion introduced to the Senate, fifty students from Robberson and Sequiota Elementary Schools, Springfield.

Senator Shields introduced to the Senate, the Physician of the Day, Dr. Jim Reynolds, M.D., St. Joseph.

On behalf of Senator Stouffer, Senator Gibbons introduced to the Senate, Senator Stouffer’s wife, Sue Ellen, Napton; Brownie Brown, Melda Lingle and Steven and Annie Hartwig, Marshall; Dick and Sue Hassler, Sweet Springs; Dean and Ruth Miller, DeWitt; David and Peggy Swearingin, Carrollton; Lainy Buffington, Salisbury; Marilyn Toalson and Henry and John Semon, Columbia; Richard and Jackie Thomas, Madison; Stephanie Young and Barbara and Dan Stevens, Boonville; and Sam Richardson, Moberly.

Senator Wilson introduced to the Senate, Charles McField, Sr. and members of National Active and Retired Federal Employees.

Senator Shoemyer introduced to the Senate, parents and students from Ralls County Home School Group, Hannibal.

Senator Engler introduced to the Senate, Sophia Falk, Farmington.

Senator Kennedy introduced to the Senate, Father Jose Jacob, Belleville, Illinois; Father Peter Mascarenes, Bangalore, India; and Jo Ann Perkins, Crestwood.

Senator Crowell introduced to the Senate, Russell Grammar and fourth grade students from Jefferson Elementary School.

Senator Shoemyer introduced to the Senate, students from Holy Family School, Hannibal.

Senator Kennedy introduced to the Senate, forty students from Abiding Savior Lutheran School, St. Louis.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, April 21, 2008.

SENATE CALENDAR

FIFTY-FOURTH DAY—MONDAY, APRIL 21, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 2328
HCS for HB 2058

HCS for HJR 71

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|------------------------------|---|
| 1. SB 861-Shoemyer, with SCS | 10. SB 1283-Dempsey, et al, with SCS |
| 2. SB 1180-Crowell | 11. SB 1197-Crowell |
| 3. SB 1278-Shields | 12. SB 1275-Vogel |
| 4. SB 1057-Scott, with SCS | 13. SB 1164-Loudon |
| 5. SJR 43-Loudon | 14. SB 738-Nodler, with SCS |
| 6. SB 1183-Bray, with SCS | 15. SB 1170-Mayer, with SCS |
| 7. SB 1158-Mayer, with SCS | 16. SBs 1181, 1100, 1262 & 1263-Engler,
with SCS |
| 8. SB 1172-Goodman, with SCS | 17. SB 1245-Nodler |
| 9. SB 1101-Bray, et al | |

HOUSE BILLS ON THIRD READING

- | | |
|--|---|
| 1. HB 1661-LeVota, et al (Ridgeway) | 6. HCS for HJR 55 |
| 2. HCS for HB 1779, with SCS (Griesheimer) | 7. HB 1937-Pearce, et al, with SCS |
| 3. HCS for HB 1619, with SCS | 8. HB 2224-Jones (117), et al, with SCS |
| 4. HB 1384 & HB 2157-Cox, et al, with SCS | 9. HB 1711, Weter, et al, with SCS |
| 5. HCS for HB 2104, HB 1574, HB 1706,
HCS for HB 1774, HB 2055 & HCS for
HB 2056, with SCS | 10. HB 1970-Wasson |
| | 11. HCS for HB 1763 |
| | 12. HCS for HB 2068 |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SBs 712 & 882-Gibbons and Rupp, with SCS | SB 811-Stouffer, with SCS, SA 1 & point of
order (pending) |
| SB 713-Gibbons, with SCS | SB 815-Goodman |
| SB 716-Loudon, et al | SB 817-Goodman |
| SB 717-Kennedy and Shields | SB 821-Shoemyer, with SCS (pending) |
| SB 729-Griesheimer, with SCS | SBs 840 & 857-Engler, with SCS & SS for
SCS (pending) |
| SB 749-Ridgeway, with SCS | SB 865-Rupp and Gibbons, with SCS |
| SB 756-Engler and Rupp, with SCS (pending) | SB 874-Graham, with SCS |
| SB 776-Justus and Koster, with SCS | SB 881-Green |
| SB 809-Stouffer, with SCS, SS for SCS &
SA 1 (pending) | |

SB 904-Griesheimer, with SCS
SBs 909, 954, 934 & 1003-Engler, with SCS
SB 915-Ridgeway
SB 917-Goodman, et al
SB 929-Green and Callahan, with SCS
SB 957-Goodman
SBs 982, 834 & 819-Purgason, with SCS
SB 990-Champion
SBs 993 & 770-Crowell, with SCS, SS for
SCS, SA 4 & SSA 1 for SA 4 (pending)
SB 996-Crowell, with SCS
SB 997-Crowell
SB 1000-Justus
SB 1007-Loudon, with SA 2 (pending)
SBs 1021 & 870-Loudon, et al, with SCS,
SS for SCS & SA 1 (pending)
SB 1035-Scott, with SCS
SB 1040-Clemens, with SCS (pending)
SB 1046-Mayer, with SA 1 & SSA 1 for SA 1
(pending)

SB 1052-Rupp
SB 1054-Dempsey, with SCS
SB 1058-Mayer
SB 1067-Ridgeway, et al
SB 1077-Goodman
SB 1093-Loudon, et al
SB 1094-Loudon, with SCS
SB 1099-Graham, with SA 1 (pending)
SB 1103-Gibbons
SB 1138-McKenna, with SCS
SBs 1234 & 1270-Shields, with SCS & SS#2
for SCS (pending)
SB 1240-Dempsey
SB 1244-Barnitz and Purgason
SJR 45-Clemens

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)
HB 1670-Cooper (120) (Dempsey)
HB 1828-Sutherland
HCS for HB 1804, with SCS (Days)
HB 2047-Curls, et al, with SCS (Callahan)
HB 1410-Flook, et al (Ridgeway)
HCS for HB 1888 (Clemens)
HB 1368-Thomson (Lager)
HCS for HB 1807, with SCS (Mayer)
HB 1869-Wilson (130), et al (Goodman)

HCS for HB 2048, with SCS (Engler)
HB 2213-Kraus, et al (Shields)
HB 1422-St. Onge, et al, with SCS (Stouffer)
HB 1354-Wilson (119), et al (Scott)
HCS for HB 1575 (Vogel)
HB 1952-Loehner, et al (Barnitz)
HB 1887-Parson (Scott)
HCS for HB 2360 (Lager)
HB 1311-Hoskins, with SCS (Engler)
HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin (Ridgeway)
HB 2065-Wasson, with SCS (Scott)

HB 1450-Roorda, et al, with SCS (McKenna)
HB 2233-Page, et al (Shields)

HB 1419-Portwood (Loudon)
 HB 1791-Cooper (155), et al (Barnitz)
 HB 1689-Wilson (130), with SCS (Scott)
 HCS for HB 1690, with SCS (Scott)

Reported 4/15

HCS for HB 1380 (Goodman)	HB 1710-Flook (Ridgeway)
HCS for HB 2036	HCS for HB 1783
HB 1946-Franz, with SCS (Champion)	HB 1784-Meadows, et al
HB 1849-Pratt and Curls (Justus)	HB 1313-Wright, et al (Mayer)
HB 1640-Schoeller, et al, with SCS (Goodman)	HCS for HB 1893 (Dempsey)
HB 1570-Franz, with SCS (Champion)	HB 1881-Schlottach
HB 1469-Pratt (Goodman)	

RESOLUTIONS

Reported from Committee

SCR 31-Barnitz	SCR 39-Shields, with SCS
SCR 36-Green	SCR 29-Mayer

To be Referred

HCR 7-Pearce, et al	HCR 16-Bivins, et al
HCS for HCR 21	HCR 18-Fisher, et al
HCR 5-Smith, et al	HCR 26-Dixon, et al
HCR 19-Sander, et al	HCR 25-Pratt, et al
HCR 8-Scavuzzo	

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Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FOURTH DAY—MONDAY, APRIL 21, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“If you do a good job for others, you heal yourself at the same time, because a dose of joy is a spiritual cure.” (Dietrich Bonhoeffer)

Gracious God, we thank You for bringing us safely to our work here at the Capitol and are mindful that what we do is not for our sake but to assist our fellow citizens and the various needs that continue to be a concern to them and us. So guide our hearts and minds this week and keep us on the path You would want us to walk. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 17, 2008 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 2428, regarding Rebecca Muehling, Saint Charles, which was adopted.

Senator Loudon offered Senate Resolution No. 2429, regarding Jill Klinginsmith, Carthage, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2430, regarding Joseph K. Johnsen, Kearney, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2431, regarding Clifford “Cliff” Mitchell, Kansas City, which was adopted.

Senator Barnitz offered Senate Resolution No. 2432, regarding Rosella M. Roberts, Steelville, which was adopted.

Senator Smith offered Senate Resolution No. 2433, regarding Susan Clark, which was adopted.

Senator Smith offered Senate Resolution No. 2434, regarding Andrew Allen “Andy” Lanphere, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2435, regarding Chad Evan Dale Roberts, Liberty, which was adopted.

Senator Rupp offered Senate Resolution No. 2436, regarding Elisha Redel, Eureka, which was adopted.

Senator Crowell offered Senate Resolution No. 2437, regarding Janet Heady, which was adopted.

Senator Graham offered Senate Resolution No. 2438, regarding Craig Stevenson, which was adopted.

Senator Graham offered Senate Resolution No. 2439, regarding Jessica Witte, which was adopted.

Senator Graham offered Senate Resolution No. 2440, regarding the 2007-2008 Class 2 state champion Harrisburg High School boys basketball program, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2441, regarding the Twenty-fifth Anniversary of the Ad Finder, Mexico, which was adopted.

Senator Vogel offered Senate Resolution No. 2442, regarding Ella Wright, Auxvasse, which was adopted.

CONCURRENT RESOLUTIONS

Senators Graham, Dempsey and Days offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 41

WHEREAS, the Boeing Company Integrated Defense Systems (Boeing), based in St. Louis, Missouri, has been building and maintaining refueling tankers for the United States Air Force (USAF) for 50 years and has more experience building tankers than any other company in the world; and

WHEREAS, Boeing has proposed the KC-767 as a replacement for the KC-135 Stratotanker, an American-made tanker that has been in use since 1958; and

WHEREAS, the KC-767 meets or exceeds all USAF requirements, including range and fuel offload capabilities, mission flexibility for carrying patients, passengers, and material; and

WHEREAS, the KC-767 will interoperate with 99% of USAF's existing equipment, saving an estimated \$4 billion in lifecycle costs, and

will operate from existing infrastructure throughout the world saving the expense of costly runway, tarmac, and hangar expansion required for a larger plane; and

WHEREAS, the KC-767 would have created or sustained 44,000 jobs in 40 states with 300 suppliers; and

WHEREAS, on February 29, 2008, the USAF announced the selection of European Aeronautic Defence and Space Company (EADS), a company based in France, and its partner Northrop Grumman Corporation, for a contract to replace aerial refueling tankers, a contract that could reach in excess of \$100 billion in value; and

WHEREAS, the U.S. Government has a WTO lawsuit pending against EADS regarding illegal subsidies that have caused great harm to U.S. Industry; and

WHEREAS, EADS routinely sells military products and technology to countries on the U.S. Embargo list; and

WHEREAS, the EADS tanker is wasteful and bad for the environment as it burns 24% more fuel and pumps 30% greater emissions into our environment than the KC-767; and

WHEREAS, EADS and Northrop Grumman have never jointly built a tanker aircraft or delivered an air-to-air refueling boom, while Boeing has built and upgraded over 2,000 operational tankers and delivered over 1,800 air-to-air refueling booms; and

WHEREAS, given the current state of the U.S. economy, taxpayer dollars should not be used to fund the economic growth of European countries, while America loses 44,000 quality jobs associated with the KC-767; and

WHEREAS, relying on a foreign supplier of military equipment is unwise and not in the national security interest of the country:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the United States Air Force to reconsider its decision to replace the KC-135 refueling tanker with a tanker supplied by a foreign company that is substantially built in foreign countries; and

BE IT FURTHER RESOLVED that the General Assembly strongly urges the President of the United States and Congress to immediately and vigorously investigate the proposed outsourcing of taxpayer-funded jobs, and its impact on the U.S. economy and the procurement process that made possible this transfer of billions of dollars to foreign workers; and

BE IT FURTHER RESOLVED that the General Assembly urge the President of the United States and Congress to investigate and thoroughly review the benefits, costs, and national security risks associated with contracting for the design and construction of high-technology military equipment and systems in and by foreign nations which may not always share U.S. interests, objectives, and missions; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the United States Secretary of Defense, the Secretary of the Air Force, and each member of the Missouri Congressional delegation.

SENATE BILLS FOR PERFECTION

At the request of Senator Shoemyer, **SB 861**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Crowell, **SB 1180** was placed on the Informal Calendar.

At the request of Senator Shields, **SB 1278** was placed on the Informal Calendar.

SB 1057, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Loudon, **SJR 43** was placed on the Informal Calendar.

Senator Lager assumed the Chair.

SB 1183, with **SCS**, was placed on the Informal Calendar.

SB 1158, with **SCS**, was placed on the Informal Calendar.

Senator Goodman moved that **SB 1172**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1172**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1172

An Act to repeal sections 571.010, 571.020, and 571.070, RSMo, and to enact in lieu thereof three new sections relating to weapons, with penalty provisions.

Was taken up.

Senator Goodman moved that **SCS** for **SB 1172** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **SB 1172** was declared perfected and ordered printed.

Senator Clemens moved that **SB 1040**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 1040** was again taken up.

Senator Clemens moved that **SCS** for **SB 1040** be adopted, which motion prevailed.

On motion of Senator Clemens, **SCS** for **SB 1040** was declared perfected and ordered printed.

Senator Clemens moved that **SJR 45** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Clemens, **SJR 45** was declared perfected and ordered printed.

Senator Goodman moved that **SB 817** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Goodman offered **SS** for **SB 817**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 817

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to anatomic pathology services.

Senator Goodman moved that **SS** for **SB 817** be adopted, which motion prevailed.

On motion of Senator Goodman, **SS** for **SB 817** was declared perfected and ordered printed.

Senator Loudon moved that **SB 1021** and **SB 870**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Loudon offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1021 and 870, Page 1, Section 324.1230, Line 9 of said page, by striking all of said line; and further amend line 11 of said page by inserting after all of said line the following:

“(3) “Committee”, the state committee for professional midwives;

(4) “Department”, the department of insurance, financial institutions and professional registration;

(5) **“Director”, the director of the division of professional registration;**” and further amend line 12 of said page, by inserting after all of said line the following:

“(6) “Fund”, the professional midwives' fund created in section 324.1232;” and further amend said section by renumbering the subsections accordingly; and

Further amend said bill and section, Page 2, Line 1 of said page, by inserting immediately after the word “infants” the following: **“by a professional midwife”**; and further amend line 7 of said page, by striking the word “It” and inserting in lieu thereof the following: **“The practice of professional midwifery”**; and

Further amend said bill, Pages 2 to 4, Section 324.1231, by striking all of said section and inserting in lieu thereof the following:

“324.1231. No person shall use the title of “licensed professional midwife” or engage in the practice of professional midwifery in this state unless the person is licensed as required by the provisions of sections 324.1230 to 324.1245. Sections 324.1230 to 324.1245 shall not apply to any person registered, certificated or licensed by this state, another state or any recognized national certification agent acceptable to the division to practice any other occupation or profession while rendering services similar in nature to professional midwifery in the performance of the occupation or profession in which the person is registered, certificated or licensed, so long as the person does not use the title of “licensed professional midwife”.

324.1232. 1. Applications for licensure as a professional midwife shall be in writing, submitted to the division on forms prescribed by the division and furnished to the applicant. The application shall contain the applicant's statements showing the applicant's certification as a certified professional midwife (CPM) and such other information as the division may require. Each application shall contain a statement that it is made under oath or affirmation that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the division.

2. The division shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the division with the information required for license, or to pay the licensure fee after such notice shall effect a revocation of the license after a period of sixty days from the licensure renewal date. The license shall be restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the division upon payment of a fee.

4. The division shall set the amount of the fees authorized. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 324.1230 to 324.1245. All fees provided for in sections 324.1230 to 324.1245 shall be collected by the director who shall deposit the same with the state treasurer to a fund to be known as the “Professional Midwives' Fund”.

5. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at

the end of the biennium exceeds two times the amount of the appropriations from the professional midwives' fund for the preceding fiscal year or, if the division requires by rule renewal less frequently than yearly then three times the appropriation from the fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the professional midwives' fund for the preceding fiscal year.”; and

Further amend said bill, Pages 4 to 9, Section 324.1233, by striking all of said section and inserting lieu thereof the following:

“324.1233. 1. Each applicant for licensure as a professional midwife shall furnish evidence to the division that:

(1) The applicant has a current certification as a certified professional midwife (CPM) from the North American Registry of Midwives (NARM);

(2) The applicant is at least eighteen years of age, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted of a felony during the ten years immediately prior to application for licensure.

2. Any person otherwise qualified for licensure holding a current license, certificate of registration, or permit from another state or territory of the United States or the District of Columbia to practice professional midwifery may be granted a license without examination to engage in the practice of professional midwifery in this state upon application to the state committee, payment of the required fee, and satisfaction of the following:

(1) Determination by the state committee that the requirements of the other state or territory are substantially the same as Missouri;

(2) Verification by the applicant's licensing entity that the applicant has a current license; and

(3) Consent by the applicant to examination of any disciplinary history in any state.

3. The state committee shall issue a license to each person who files an application and fee and is qualified by the provisions of sections 324.1230 to 324.1245.

324.1234. 1. Each license issued pursuant to the provisions of sections 324.1230 to 324.1245 shall expire on a renewal date established by the director. The term of licensure shall be three years. The division shall renew any license upon application for a renewal and upon payment of the fee established by the division pursuant to the provisions of subsection 4 of section 324.1232. Effective August 28, 2008, as a prerequisite for renewal, each licensee shall furnish to the committee satisfactory evidence of:

(1) The completion of the requisite number of hours of continuing education as defined by rule, which shall be no more than ten contact hours annually;

(2) The completion of the requisite number of hours of peer review as defined by rule, which shall be no more than three hours annually; and

(3) Evidence of current certification in basic life support (BLS) for healthcare providers, and either infant cardiopulmonary resuscitation (CPR) or neonatal resuscitation.

2. The division may issue temporary permits to practice under extenuating circumstances as

determined by the division and defined by rule.”; and

Further amend said bill, Pages 9 to 12, Section 324.1235, by striking all of said section and inserting in lieu thereof the following:

“324.1235. 1. The division shall promulgate rules and regulations pertaining to:

(1) The form and content of license applications required by the provisions of sections 324.1230 to 324.1245 and the procedures for filing an application for an initial or renewal license in this state;

(2) Fees required by the provisions of sections 324.1230 to 324.1245;

(3) Procedures for investigating, hearing and determining grievances and violations occurring under the provisions of sections 324.1230 to 324.1245;

(4) An appeal procedure for the review of decisions and rules of administrative agencies existing under the constitution or laws of this state;

(5) A policy and procedure for reciprocity with other states, including states which do not have professional midwife licensing laws or states whose licensing laws are not substantially the same as those of this state; and

(6) A form for use in the event of transfer to emergency care, detailing for the mother:

(a) Name, age, and birth date;

(b) Parity;

(c) Estimated delivery date;

(d) Results of routine blood tests and lab tests; and

(e) Reason for transfer of care; and

(7) A form for use in the event of transfer to emergency care, detailing for the baby:

(a) Name of the mother and the baby;

(b) Sex of the baby;

(c) Estimated gestational age;

(d) Vital signs;

(e) APGAR scores; and

(f) Reason for transfer of care.

(8) Any other policies or procedures necessary to the fulfillment of the requirements of sections 324.1230 to 324.1245.

2. No rule or portion of a rule promulgated under the authority of sections 324.1230 to 324.1245 shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided in this section, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided in this section.

3. Upon filing any proposed rule with the secretary of state, the division shall concurrently submit such proposed rule to the committee, which may hold hearings upon any proposed rule or portion thereof at any time.

4. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the division may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

5. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

(1) An absence of statutory authority for the proposed rule;

(2) An emergency relating to public health, safety or welfare;

(3) The proposed rule is in conflict with state law;

(4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based; or

(5) The proposed rule is not consistent with standards regarding the practice of midwifery established by the North American Registry of Midwives or the National Association of Certified Professional Midwives, or a successor organization whose essential documents include without limitation subject matter concerning scope of practice, standards of practice, informed consent, appropriate consultation, collaboration or referral, including the development of collaborative relationships with other healthcare practitioners who can provide care outside the scope of midwifery practice when necessary.

6. If the committee disapproves any rule or portion thereof, the division shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.”; and

Further amend said bill, Page 12, Section 324.1236, Lines 3 to 16 of said page, by striking all of said section and inserting in lieu thereof the following:

“324.1236. 1. The division may refuse to issue or renew any license required by the provisions of sections 324.1230 to 324.1245 for one or any combination of causes stated in subsection 2 of this section. The division shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant’s right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The division may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 324.1230 to 324.1245 or any person who has failed to renew or has surrendered the person’s license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person’s ability to engage in the occupation of professional

midwifery; except the fact that a person has undergone treatment for past substance or alcohol abuse or has participated in a recovery program, shall not by itself be cause for refusal to issue or renew a license;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a professional midwife; for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of sections 324.1230 to 324.1245 or in obtaining permission to take any examination given or required pursuant to the provisions of sections 324.1230 to 324.1245;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a professional midwife;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 324.1230 to 324.1245 or of any lawful rule or regulation adopted pursuant to sections 324.1230 to 324.1245;

(7) Impersonation of any person holding a license or allowing any person to use the person's license or diploma from any school;

(8) Revocation or suspension of a license or other right to professional midwifery granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) Final adjudication as incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice professional midwifery who is not licensed and is not currently eligible to practice under the provisions of sections 324.1230 to 324.1245;

(11) Obtaining a license based upon a material mistake of fact;

(12) Failure to display a valid license if so required by sections 324.1230 to 324.1245 or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Being guilty of unethical conduct as defined in the ethical standards for professional midwives adopted by the committee by rule and filed with the secretary of state.

3. Any person, organization, association or corporation who reports or provides information to the division pursuant to the provisions of sections 324.1230 to 324.1245 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

4. After filing of such complaint, the proceedings shall be conducted in accordance with the

provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the division may censure or place the person named in the complaint on probation on such terms and conditions as the division deems appropriate for a period not to exceed five years, or may suspend for a period not to exceed three years, or revoke the license.

324.1237. 1. Violation of any provision of sections 324.1230 to 324.1245 is a class A misdemeanor.

2. All fees or other compensation received for services which are rendered in violation of sections 324.1230 to 324.1245 shall be refunded.

3. The department, on behalf of the division, may sue in its own name in any court in this state. The department shall inquire as to any violations of sections 324.1230 to 324.1245, may institute actions for penalties prescribed, and shall enforce generally the provisions of sections 324.1230 to 324.1245.

4. Upon application by the division, the attorney general may on behalf of the division request that a court of competent jurisdiction grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license;

(2) Engaging in any practice of business authorized by a certificate of registration or authority, permit or license issued pursuant to sections 324.1230 to 324.1245, upon a showing that the holder presents a substantial probability of serious harm to the health, safety or welfare of any resident of this state or client or patient of the licensee, as determined by the committee.

5. Any action brought pursuant to the provisions of this section shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

6. Any action brought under this section may be in addition to or in lieu of any penalty provided by sections 324.1230 to 324.1245 and may be brought concurrently with other actions to enforce the provisions of sections 324.1230 to 324.1245.

324.1238. Persons licensed under the provisions of sections 324.1230 to 324.1245 may not disclose any information acquired from persons consulting them in their professional capacity, or be compelled to disclose such information except:

(1) With the written consent of the client, or in the case of the client's death or disability, the client's personal representative or other person authorized to sue or the beneficiary of any insurance policy on the client's life, health or physical condition;

(2) When such information pertains to a criminal act;

(3) When the person is a child under the age of eighteen years and the information acquired by the licensee indicated that the child was the victim of a crime;

(4) When the person waives the privilege by bringing charges against the licensee;

(5) When the licensee is called upon to testify in any court or administrative hearings concerning

matters of adoption, adult abuse, child abuse, child neglect or other matters pertaining to the welfare of clients of the licensee; or

(6) When the licensee is collaborating or consulting with professional colleagues or an administrative superior on behalf of the client.”; and

Further amend said bill, Pages 12 to 14, Section 324.1239, by striking all of said section and inserting in lieu thereof the following:

“324.1239. 1. There is created and established the “State Committee of Professional Midwives” which shall consist of five members: one member shall be a public member, who shall not be, nor have previously been, a member of any profession regulated by chapter 334 or 335, RSMo, or under sections 324.1230 to 324.1245, or the spouse or immediate family member of such person. The public member is subject to the provisions of section 630.132, RSMo, and four members shall be licensed professional midwives who attend births in homes or other out-of-hospital settings, provided that the first midwife members appointed need not be licensed at the time of appointment if they are actively working toward licensure under the provisions of sections 324.1230 to 324.1245. The committee shall be appointed by the governor with the advice and consent of the senate. The initial appointments to the board shall be one member for a term of one year, one member for a term of two years, one member for a term of three years, one member for a term of four years and one member for a term of five years. After the initial terms, each member shall serve a five-year term. No member of the board shall serve more than two consecutive five-year terms. All successor members shall be appointed for five-year terms. All members shall serve until their successors have been appointed and qualified. Vacancies occurring in the membership of the board for any reason shall be filled by appointment by the governor for the unexpired term.

2. If a member of the committee shall, during the member's term as a committee member, remove the member's domicile from the state of Missouri, then the committee shall immediately notify the governor, and the seat of that committee member shall be declared vacant. All such vacancies shall be filled by appointment as in the same manner as the first appointment, and the member so appointed shall serve for the unexpired term of the member whose seat has been declared vacant.

3. The committee shall hold a regular annual meeting at which it shall select from among its members a chairperson and a vice chairperson. A quorum of the committee shall consist of a majority of its members. In the absence of the chairperson, the vice chairperson shall conduct the office of the chairperson.

4. No member of the committee shall receive any compensation for the performance of the member's official duties but shall be entitled to reimbursement for necessary and actual expenses incurred in the performance of the member's duties. All staff for the committee shall be provided by the director of the division of professional registration.

5. The governor may remove any member of the committee for misconduct, inefficiency, incompetency or neglect of office.”; and

Further amend said bill, Page 14, Section 324.1240, Line 20 of said page, by inserting after “1.” the following: **“Every licensed professional midwife shall present a written disclosure statement to each client, which shall be signed by the client and kept with the client's records, and include but not be limited to, the following:**

- (1) A description of professional midwifery education and related training;**
- (2) Licensure as a professional midwife, including the effective dates of the licensure;**
- (3) The benefits and risks associated with childbirth in the setting selected by the client;**
- (4) A statement concerning the licensed professional midwife's collaborative arrangement with other healthcare professionals, including licensed physicians;**
- (5) A statement concerning the licensed professional midwife's malpractice or liability insurance coverage; and**
- (6) A written plan, specific to the client, for obtaining medical care, when necessary, which shall include:**

(a) The name and phone number of the hospital or other healthcare facility to which they intend to transfer in an emergency; and

(b) The plan, protocol, or standing order for fulfilling maternal screening tests and lab work required by Missouri statute.

2. When a birth or stillbirth occurs without a physician in attendance at or immediately after the birth or stillbirth but with a licensed professional midwife in attendance at or immediately after the birth or stillbirth, it shall be the responsibility of the licensed professional midwife to prepare and file the certificate of birth as required by section 193.085, RSMo, and the reports required under section 193.165, RSMo, and section 210.050, RSMo.

3. Licensed professional midwives shall carry medical malpractice insurance under the same conditions described for physicians in RSMo 383.500.

4. Notwithstanding any other provision of the law, a licensed professional midwife providing a service of professional midwifery shall not be deemed to be engaged in the practice of medicine, nursing, nurse-midwifery, or any other medical or healing practice.

5. Nothing in sections 324.1230 to 324.1245 shall be construed to apply to a person who provides information and support in preparation for labor and delivery and assists in the delivery of an infant if that person does not do the following:

- (1) Advertise as a midwife or as a provider of midwife services;**
- (2) Accept compensation for midwife services; and**
- (3) Use any words, letters, signs, or figures to indicate that the person is a midwife.**

6. The provisions of sections 324.1230 to 324.1245 shall be remedial and curative in nature.

7. Nothing in sections 324.1230 to 324.1245 shall be construed to prohibit the attendance at birth of the mother's choice of family, friends, or other uncompensated labor support attendants.

8.” and

Further amend said bill, Page 15, Section 324.1240, Line 1 of said page, by striking “2.” and inserting in lieu thereof the following: “9.”; and further amend line 5 of said page, by inserting after all of said line the following:

“10. Licensed professional midwives may be reimbursed for professional midwifery services

under the MO HealthNet program.”; and

Further amend said bill, Page 15, Section 324.1242, Line 11 of said page, by striking the following: “Use forceps during the” and inserting in lieu thereof the following: **“Perform forceps”**; and

Further amend said bill, Page 15, Section 324.1243, Line 16 of said page, by inserting after “medications” the following: **“as required in section 210.710, RSMo,”**; and

Further amend said bill, Page 15, Section 324.1245, by striking all of said section from the bill; and

Further amend said bill, Page 16, Section 334.010, Line 3 of said page, by inserting at the end of said line the following: **“The practice of professional midwifery is not the practice of medicine or osteopathy within the meaning of chapter 334, RSMo, and not subject to the provisions of the chapter.”**; and

Further amend said bill, Page 17, Section 334.120, Line 8 of said page, by inserting immediately after “state.” the following: **“The purpose of the board shall not include registering, licensing, and supervising of professional midwives.”**; and

Further amend said bill, Page 19, Section 334.260, Line 8 of said page, by striking the opening bracket “[”]; and further amend line 12 of said page, by striking the closing bracket “]” and inserting in lieu thereof the following: **“The practice of professional midwifery is not the practice of medicine or osteopathy within the meaning of chapter 334, RSMo, and not subject to the provisions of the chapter.”**; and

Further amend said bill, Page 19, Section 376.1753, Line 14 of said page, by striking the opening bracket “[”]; and further amend said line by inserting immediately after “376.1753.” an opening bracket “[”]; and further amend line 19 of said page, by inserting at the end of said line the following: **“Licensed professional midwives under sections 324.1230 to 324.1245, RSMo, may be compensated for professional midwife services by a health benefit plan or insurer under this chapter.”**; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above substitute amendment be adopted.

Senator Graham raised the point of order that **SSA 1** for **SA 1** is out of order; stating that it is not a true substitute as it goes beyond the scope of the underlying amendment.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SSA 1 for **SA 1** was again taken up.

At the request of Senator Loudon, **SB 1021** and **SB 870**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2393**, entitled:

An Act to repeal sections 135.950, 135.967, and 137.115, RSMo, and to enact in lieu thereof four new sections relating to enhanced enterprise zones.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1831** and **1472**, entitled:

An Act to repeal section 188.027, RSMo, and to enact in lieu thereof five new sections relating to abortion, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2002** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2003** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 2004** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2005** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2006** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2007** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2008** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2009** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 18, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Elizabeth H. Bradbury, Democrat, 20503 Maple Drive, Center, Ralls County, Missouri 63436, as a member of the Missouri State University Board of Governors, for a term ending January 1, 2011, and until her successor is duly appointed and qualified; vice, RSMo 174.450.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 18, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William C. Brinton, Jr., Democrat, 2603 Andrew Court, Saint Joseph, Buchanan County, Missouri 64503, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 2011, and until his successor is duly appointed and qualified; vice, Gerald Jones, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 18, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James H. Buford, Republican, #1 Kingsbury Place, Saint Louis City, Missouri 63112, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2013, and until his successor is duly appointed and qualified; vice, Robert Scott, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 18, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Brian S. Conley, 2822 Foxdale, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending April 10, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 18, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert M. Derickson, Republican, 8112 Knights Crossing Court, O'Fallon, Saint Charles County, Missouri 63368, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 2011, and until his successor is duly appointed and qualified; vice, Chester Cully, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 15, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Wayne D. Duncan, Republican, 403 U.S. Highway 71 West, Savannah, Andrew County, Missouri 64485, as a member of the Missouri Horse Racing Commission, for a term ending March 15, 2011, and until his successor is duly appointed and qualified; vice, Waybern Yates, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 18, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gregory S. Gaffke, Democrat, 305 Hunters Run, Jefferson City, Cole County, Missouri 65109, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2014, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 18, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Becky J. Jungmann, 826 West Cypress Street, Springfield, Greene County, Missouri 65807, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 18, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gordon L. Kinne, Republican, 4500 East Farm Road 148, Springfield, Greene County, Missouri 65809, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2010, and until his successor is duly appointed and qualified; vice, H. Bruce Nethington, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 18, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Charles Kenneth McClure, 1172 West Woodhaven, Springfield, Greene County, Missouri 65810, as a member of the Second State Capitol Commission, for a term ending April 18, 2012, and until his successor is duly appointed and qualified; vice, Stephen Mahfood, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 18, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Charles Kenneth McClure, 1172 West Woodhaven, Springfield, Greene County, Missouri 65810, as a member of the Personnel Advisory Board, for a term ending July 31, 2012, and until his successor is duly appointed and qualified; vice, Margaret Buckler, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 18, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Nancy Montgomery, 4 Northwood, Cuba, Crawford County, Missouri 65453, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2009, and until her successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 18, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John K. Nisbett, Independent, 26503 County Road 432, Saint James, Maries County, Missouri 65559, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2013, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 18, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Douglas M. Ommen, 221 Hunters Run, Jefferson City, Cole County, Missouri 65109, as a member of the Administrative Hearing Commission, for a term ending April 18, 2014, and until his successor is duly appointed and qualified; vice, June Doughty, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 18, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Marie L. Payne, Republican, 25785 Highway T, Warsaw, Benton County, Missouri 65355, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 2008, and until her successor is duly appointed and qualified; vice, Diana Fendya, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 18, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Karen Thornton, Republican, 391 Catalina Bay Drive, Sunrise Beach, Camden County, Missouri 65079, as a member of the Missouri Women's Council, for a term ending December 6, 2009, and until her successor is duly appointed and qualified; vice, Lori Smith-Patterson, term expired.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HCS for HB 2328—Ways and Means.

HCS for HB 2058—Economic Development, Tourism and Local Government.

HCS for HJR 71—Ways and Means.

REFERRALS

President Pro Tem Gibbons referred **HCR 7**; **HCS for HCR 21**; **HCR 5**; **HCR 19**; **HCR 8**; **HCR 16**; **HCR 18**; **HCR 26**; and **HCR 25** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred **HCS for HB 1619**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 1172** and **SCS for SB 1040**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 2010** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 2011** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Nodler requested unanimous consent of the Senate to be allowed to make one motion to send **SCS for HCS for HB 2002; SCS for HCS for HB 2003; SCS for HB 2004; SCS for HCS for HB 2005; SCS for HCS for HB 2006; SCS for HCS for HB 2007; SCS for HCS for HB 2008; SCS for HCS for HB 2009; SCS for HCS for HB 2010; and SCS for HCS for HB 2011** to conference, which request was granted.

Senator Nodler moved that the Senate refuse to recede from its position on **SCS for HCS for HB 2002; SCS for HCS for HB 2003; SCS for HB 2004; SCS for HCS for HB 2005; SCS for HCS for HB 2006; SCS for HCS for HB 2007; SCS for HCS for HB 2008; SCS for HCS for HB 2009; SCS for HCS for HB 2010; and SCS for HCS for HB 2011** and grant the House a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 2012** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 2013** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Nodler moved that the Senate refuse to recede from its position on **SCS for HCS for HB 2012** and grant the House a conference thereon, which motion prevailed.

Senator Nodler moved that the Senate refuse to recede from its position on **SCS for HCS for HB 2013** and grant the House a conference thereon, which motion prevailed.

RESOLUTIONS

Senator Barnitz offered Senate Resolution No. 2443, regarding Sergeant First Class Gregory Tohill, Dixon, which was adopted.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-FIFTH DAY—TUESDAY, APRIL 22, 2008

FORMAL CALENDAR**HOUSE BILLS ON SECOND READING**

HCS for HB 2393

HCS for HBs 1831 & 1472

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)

SCS for SB 1172-Goodman
SCS for SB 1040-Clemens

SENATE BILLS FOR PERFECTION

SB 1101-Bray, et al
SB 1283-Dempsey, et al, with SCS
SB 1197-Crowell
SB 1275-Vogel
SB 1164-Loudon

SB 738-Nodler, with SCS
SB 1170-Mayer, with SCS
SBs 1181, 1100, 1262 & 1263-Engler, with SCS
SB 1245-Nodler

HOUSE BILLS ON THIRD READING

1. HB 1661-LeVota, et al (Ridgeway)
2. HCS for HB 1779, with SCS (Griesheimer)
3. HCS for HB 1619, with SCS (Champion)
(In Fiscal Oversight)
4. HB 1384 & HB 2157-Cox, et al, with SCS
(Gibbons)
5. HCS for HB 2104, HB 1574, HB 1706,
HCS for HB 1774, HB 2055 & HCS for
HB 2056, with SCS

6. HCS for HJR 55
7. HB 1937-Pearce, et al, with SCS
8. HB 2224-Jones (117), et al, with SCS
(Griesheimer)
9. HB 1711-Weter, et al, with SCS (Clemens)
10. HB 1970-Wasson
11. HCS for HB 1763
12. HCS for HB 2068

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS
SB 713-Gibbons, with SCS
SB 716-Loudon, et al
SB 717-Kennedy and Shields
SB 729-Griesheimer, with SCS
SB 749-Ridgeway, with SCS
SB 756-Engler and Rupp, with SCS (pending)
SB 776-Justus and Koster, with SCS
SB 809-Stouffer, with SCS, SS for SCS &
SA 1 (pending)
SB 811-Stouffer, with SCS, SA 1 &
point of order (pending)
SB 815-Goodman
SB 821-Shoemyer, with SCS (pending)
SBs 840 & 857-Engler, with SCS & SS for
SCS (pending)
SB 861-Shoemyer, with SCS

SB 865-Rupp and Gibbons, with SCS
SB 874-Graham, with SCS
SB 881-Green
SB 904-Griesheimer, with SCS
SBs 909, 954, 934 & 1003-Engler, with SCS
SB 915-Ridgeway
SB 917-Goodman, et al
SB 929-Green and Callahan, with SCS
SB 957-Goodman
SBs 982, 834 & 819-Purgason, with SCS
SB 990-Champion
SBs 993 & 770-Crowell, with SCS, SS for
SCS, SA 4 & SSA 1 for SA 4 (pending)
SB 996-Crowell, with SCS
SB 997-Crowell
SB 1000-Justus
SB 1007-Loudon, with SA 2 (pending)

SBs 1021 & 870-Loudon, et al, with SCS, SS
for SCS, SA 1 & SSA 1 for SA 1 (pending)
SB 1035-Scott, with SCS
SB 1046-Mayer, with SA 1 & SSA 1 for SA 1
(pending)
SB 1052-Rupp
SB 1054-Dempsey, with SCS
SB 1057-Scott, with SCS
SB 1058-Mayer
SB 1067-Ridgeway, et al
SB 1077-Goodman
SB 1093-Loudon, et al
SB 1094-Loudon, with SCS

SB 1099-Graham, with SA 1 (pending)
SB 1103-Gibbons
SB 1138-McKenna, with SCS
SB 1158-Mayer, with SCS
SB 1180-Crowell
SB 1183-Bray, with SCS
SBs 1234 & 1270-Shields, with SCS & SS#2
for SCS (pending)
SB 1240-Dempsey
SB 1244-Barnitz and Purgason
SB 1278-Shields
SJR 43-Loudon

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)
HB 1670-Cooper (120) (Dempsey)
HB 1828-Sutherland
HCS for HB 1804, with SCS (Days)
HB 2047-Curls, et al, with SCS (Callahan)
HB 1410-Flook, et al (Ridgeway)
HCS for HB 1888 (Clemens)
HB 1368-Thomson (Lager)
HCS for HB 1807, with SCS (Mayer)
HB 1869-Wilson (130), et al (Goodman)

HCS for HB 2048, with SCS (Engler)
HB 2213-Kraus, et al (Shields)
HB 1422-St. Onge, et al, with SCS (Stouffer)
HB 1354-Wilson (119), et al (Scott)
HCS for HB 1575 (Vogel)
HB 1952-Loehner, et al (Barnitz)
HB 1887-Parson (Scott)
HCS for HB 2360 (Lager)
HB 1311-Hoskins, with SCS (Engler)
HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin (Ridgeway)
HB 2065-Wasson, with SCS (Scott)
HB 1450-Roorda, et al, with SCS (McKenna)
HB 2233-Page, et al (Shields)

HB 1419-Portwood (Loudon)
HB 1791-Cooper (155), et al (Barnitz)
HB 1689-Wilson (130), with SCS (Scott)
HCS for HB 1690, with SCS (Scott)

Reported 4/15

HCS for HB 1380 (Goodman)
HCS for HB 2036 (Stouffer)
HB 1946-Franz, with SCS (Champion)
HB 1849-Pratt and Curls (Justus)
HB 1640-Schoeller, et al, with SCS (Goodman)
HB 1570-Franz, with SCS (Champion)
HB 1469-Pratt (Goodman)

HB 1710-Flook (Ridgeway)
HCS for HB 1783 (Engler)
HB 1784-Meadows, et al (McKenna)
HB 1313-Wright, et al (Mayer)
HCS for HB 1893 (Dempsey)
HB 1881-Schlottach

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2002, with SCS (Nodler)
HCS for HB 2003, with SCS (Nodler)
HB 2004, with SCS (Nodler)
HCS for HB 2005, with SCS (Nodler)
HCS for HB 2006, with SCS (Nodler)
HCS for HB 2007, with SCS (Nodler)

HCS for HB 2008, with SCS (Nodler)
HCS for HB 2009, with SCS (Nodler)
HCS for HB 2010, with SCS (Nodler)
HCS for HB 2011, with SCS (Nodler)
HCS for HB 2012, with SCS (Nodler)
HCS for HB 2013, with SCS (Nodler)

RESOLUTIONS

Reported from Committee

SCR 31-Barnitz
SCR 36-Green

SCR 39-Shields, with SCS
SCR 29-Mayer

To be Referred

SCR 41-Graham, et al

✓

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FIFTH DAY—TUESDAY, APRIL 22, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The divine test of a man’s worth is not his theology but his life.” (Morris Joseph)

Almighty Father, each day we walk down these halls and we see the faces of all those former Senators and staff who have served before us. And what we remember most of them is not their speeches but the lives they lived and the giving of themselves flowed from their sense of service. Let us also be mindful of our legacy and the things that will be remembered about us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 2444, regarding Sister Lucy Vehige, St. Louis, which was adopted.

Senator Koster offered Senate Resolution No. 2445, regarding Sioux Chief Manufacturing Company, Inc., Peculiar, which was adopted.

Senator Barnitz offered Senate Resolution No. 2446, regarding Brandon Joseph Boies, Dixon, which was adopted.

Senator Mayer offered Senate Resolution No. 2447, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Clifford Mosbey, Fisk, which was adopted.

Senator Kennedy offered Senate Resolution No. 2448, regarding James Allen Sandfort, Ed.D., Ballwin, which was adopted.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 2393**—Economic Development, Tourism and Local Government.

HCS for **HBs 1831** and **1472**—Judiciary and Civil and Criminal Jurisprudence.

REFERRALS

President Pro Tem Gibbons referred **SCR 41** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

SB 1101 was placed on the Informal Calendar.

Senator Dempsey moved that **SB 1283**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1283**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1283**

An Act to repeal sections 135.535, 135.562, 191.400, 192.014, 192.083, 208.145, 208.152, 208.215, 208.955, 376.986, and 660.062, RSMo, and to enact in lieu thereof sixty-six new sections relating to the Missouri health transformation act of 2008.

Was taken up.

Senator Dempsey moved that **SCS** for **SB 1283** be adopted.

Senator Ridgeway assumed the Chair.

Senator Dempsey offered **SS** for **SCS** for **SB 1283**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1283**

An Act to repeal sections 33.103, 135.535, 135.562, 191.400, 192.014, 192.083, 208.145, 208.152, 208.215, 208.955, 376.986, and 660.062, RSMo, and to enact in lieu thereof sixty-one new sections relating

to the Missouri health transformation act of 2008, with penalty provisions.

Senator Dempsey moved that **SS** for **SCS** for **SB 1283** be adopted.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 100, Section 376.1618, Line 4 of said page, by inserting after all of said line the following:

“Section 1. Services provided to participants who were deemed eligible prior to January 1, 2005, under MO HealthNet shall be reinstated at levels as such services were provided on January 1, 2005.”;
and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

President Pro Tem Gibbons assumed the Chair.

Senator Shields offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 1, Section 1, Line 6, by inserting after the number “2005.” the following: **“The provisions of this section shall not become effective until a separate dedicated source of revenue is created to pay for the services described in this section.”.**

Senator Shields moved that the above amendment be adopted.

Senator Bray offered **SSA 1** for **SA 1** to **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 1, Section 1, Line 6 by inserting after the number “2005.” the following: **“The provisions of this section shall become effective on July 1, 2009.”.**

Senator Bray moved that the above substitute amendment be adopted.

Senator Nodler assumed the Chair.

At the request of Senator Dempsey, **SB 1283**, with **SCS**, **SS** for **SCS**, **SA 1**, **SA 1** to **SA 1** and **SSA 1** for **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2191**, entitled:

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to the A+ schools program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1649**, entitled:

An Act to repeal sections 302.060, 302.177, 302.181, 589.400, and 589.417, RSMo, and to enact in lieu thereof five new sections relating to driver's licenses for convicted sex offenders, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1474**, entitled:

An Act to repeal sections 137.115, 144.044, 301.650, 362.105, 365.020, 365.200, 369.229, 370.300, 408.015, 408.250, 436.350, 441.005, 442.010, 443.803, 513.010, 700.010, 700.111, 700.320, 700.350, 700.360, 700.375, 700.525, 700.600, 700.630, and 700.650, RSMo, and to enact in lieu thereof twenty-six new sections relating to manufactured homes, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2002**: Senators Nodler, Mayer, Rupp, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2003**: Senators Nodler, Mayer, Rupp, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 2004**: Senators Nodler, Mayer, Rupp, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2005**: Senators Nodler, Mayer, Rupp, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2006**: Senators Nodler, Mayer, Rupp, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2007**: Senators Nodler, Mayer, Rupp, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2008**: Senators Nodler, Mayer, Rupp, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee

from the House on **SCS** for **HCS** for **HB 2009**: Senators Nodler, Mayer, Rupp, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2010**: Senators Nodler, Mayer, Rupp, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2011**: Senators Nodler, Mayer, Rupp, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2012**: Senators Nodler, Mayer, Rupp, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2013**: Senators Nodler, Mayer, Rupp, Bray and Green.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 817** and **SJR 45**, begs leave to report that it has examined the same and finds that the bill and joint resolution have been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Shields, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Lager.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 2449, regarding Sonnie Kathryn Childress, Cape Girardeau, which was adopted.

Senator Purgason offered Senate Resolution No. 2450, regarding the Ninety-fifth Birthday of Pansy DeVasure, Lebanon, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2002**. Representatives: Icet, Robb, Stream, Bringer and Lampe.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2003**. Representatives: Icet, Robb, Stream, Bringer and Lampe.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for

HB 2004. Representatives: Icet, Robb, Stream, Storch and Komo.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2005**. Representatives: Icet, Robb, Stream, Storch and Komo.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2006**. Representatives: Icet, Robb, Stream, Shively and Harris (110).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2007**. Representatives: Icet, Robb, Stream, Storch and Komo.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2008**. Representatives: Icet, Robb, Stream, Nasheed and Wildberger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2009**. Representatives: Icet, Robb, Stream, Nasheed and Wildberger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2010**. Representatives: Icet, Robb, Stream, Curls and McClanahan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2011**. Representatives: Icet, Robb, Stream, Curls and McClanahan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2012**. Representatives: Icet, Robb, Stream, Curls and Storch.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2013**. Representatives: Icet, Robb, Stream, Curls and Storch.

SENATE BILLS FOR PERFECTION

Senator Dempsey moved that **SB 1283**, with **SCS, SS** for **SCS, SA 1, SA 1 to SA 1** and **SSA 1** for **SA 1 to SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 1 to SA 1** was again taken up.

Senator Bray moved that the above substitute amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Coleman, Days, Justus and Kennedy.

Senator Goodman assumed the Chair.

SSA 1 for **SA 1 to SA 1** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman	Days	Engler	Graham	Justus
Kennedy	Koster	McKenna	Shoemyer	Smith	Wilson—14		

NAYS—Senators

Bartle	Champion	Clemens	Crowell	Dempsey	Gibbons	Goodman	Lager
Loudon	Mayer	Nodler	Purgason	Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—18						

Absent—Senators

Green	Griesheimer—2
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Absent with leave—Senators—None

Vacancies—None

At the request of Senator Bray, **SA 1** was withdrawn rendering **SA 1 to SA 1** moot.

Senator Lager assumed the Chair.

Senator Coleman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 95, Section 376.685, Line 3, by inserting after all of said line the following:

“376.811. 1. Every insurance company and health services corporation doing business in this state shall offer in all health insurance policies benefits or coverage for chemical dependency meeting the following minimum standards:

(1) Coverage for outpatient treatment through a nonresidential treatment program, or through partial- or full-day program services, of not less than twenty-six days per policy benefit period;

(2) Coverage for residential treatment program of not less than twenty-one days per policy benefit period;

(3) Coverage for medical or social setting detoxification of not less than six days per policy benefit period;

(4) The coverages set forth in this subsection may be subject to a separate lifetime frequency cap of not less than ten episodes of treatment, except that such separate lifetime frequency cap shall not apply to medical detoxification in a life-threatening situation as determined by the treating physician and subsequently documented within forty-eight hours of treatment to the reasonable satisfaction of the insurance company or health services corporation; and

(5) The coverages set forth in this subsection:

(a) Shall be subject to the same coinsurance, co-payment and deductible factors as apply to physical illness;

(b) May be administered pursuant to a managed care program established by the insurance company or health services corporation; and

(c) May deliver covered services through a system of contractual arrangements with one or more providers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.

2. In addition to the coverages set forth in subsection 1 of this section, every insurance company, health services corporation and health maintenance organization doing business in this state shall offer in all health insurance policies, benefits or coverages for recognized mental illness, excluding chemical dependency, meeting the following minimum standards:

(1) Coverage for outpatient treatment, including treatment through partial- or full-day program services, for mental health services for a recognized mental illness rendered by a licensed professional to the same extent as any other illness;

(2) Coverage for residential treatment programs for the therapeutic care and treatment of a recognized mental illness when prescribed by a licensed professional and rendered in a psychiatric residential treatment center licensed by the department of mental health or accredited by the Joint Commission on Accreditation of Hospitals to the same extent as any other illness;

(3) Coverage for inpatient hospital treatment for a recognized mental illness to the same extent as for any other illness, not to exceed ninety days per year;

(4) The coverages set forth in this subsection shall be subject to the same coinsurance, co-payment, deductible, annual maximum and lifetime maximum factors as apply to physical illness; and

(5) The coverages set forth in this subsection may be administered pursuant to a managed care program established by the insurance company, health services corporation or health maintenance organization, and covered services may be delivered through a system of contractual arrangements with one or more providers, community mental health centers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.

3. The offer required by sections 376.810 to 376.814 may be accepted or rejected by the group or individual policyholder or contract holder and, if accepted, shall fully and completely satisfy and substitute for the coverage under section 376.779. Nothing in sections 376.810 to 376.814 shall prohibit an insurance company, health services corporation or health maintenance organization from including all or part of the coverages set forth in sections 376.810 to 376.814 as standard coverage in their policies or contracts issued

in this state.

4. Every insurance company, health services corporation and health maintenance organization doing business in this state shall offer in all health insurance policies mental health benefits or coverage as part of the policy or as a supplement to the policy. Such mental health benefits or coverage shall include at least two sessions per year to a licensed psychiatrist, licensed psychologist, licensed professional counselor, **licensed marital and family therapist**, or licensed clinical social worker acting within the scope of such license and under the following minimum standards:

(1) Coverage and benefits in this subsection shall be for the purpose of diagnosis or assessment, but not dependent upon findings; and

(2) Coverage and benefits in this subsection shall not be subject to any conditions of preapproval, and shall be deemed reimbursable as long as the provisions of this subsection are satisfied; and

(3) Coverage and benefits in this subsection shall be subject to the same coinsurance, co-payment and deductible factors as apply to regular office visits under coverages and benefits for physical illness.

5. If the group or individual policyholder or contract holder rejects the offer required by this section, then the coverage shall be governed by the mental health and chemical dependency insurance act as provided in sections 376.825 to 376.836.

6. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policy of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 73, Section 208.955, Line 5 of said page, by striking the word “eighteen” and inserting in lieu thereof the following: **“twenty-nine”**; and further amend line 14 by striking the following: “Two primary care” and inserting in lieu thereof the following: **“Four”**; and further amend said line by inserting immediately after “physicians,” the following: **“two each from rural and urban areas,”**; and further amend line 15 by inserting immediately after “RSMo,” the following: **“board certified in their specialty,”**; and further amend lines 19 to 23 by striking all of said lines and inserting in lieu thereof the following:

“(5) One optometrist, licensed under chapter 336, RSMo, who cares for participants. The optometrist shall be recommended by any Missouri organization or association that represents a significant number of optometrists licensed in this state;

(6) One nurse, licensed or registered under chapter 335, RSMo, who cares for participants. The nurse shall be recommended by any Missouri organization or association that represents a significant number of nurses in this state;

(7) One mental health professional who cares for participants. The mental health professional

shall be either a licensed psychologist, licensed professional counselor, or a licensed social worker and shall be recommended by any Missouri organization or association that represents a significant number of mental health professionals in this state;

(8) One representative from a rural health clinic;

(9) One representative of a not-for-profit health network serving rural counties and providing both patient-based and provider member services;

(10) One representative of the state association representing the majority of the long-term care facilities licensed in this state”; and further renumber the remaining subdivisions accordingly; and

Further amend said bill and section, Page 74, line 4 of said page, by striking the following: “Two” and inserting in lieu thereof the following: “**Three**”; and further amend said line by inserting immediately after the word “advocates” the following: “**, with one advocate representing children, one the disabled, and one the elderly community;**”

(15) One member representing a federally qualified health center;

(16) One representative from the durable medical equipment industry, who owns or manages a durable medical equipment company operating in Missouri for at least three years, with multiple lines of products and services for participants. The representative shall be in good standing with the federal Medicare program and the MO HealthNet program;

(17) One physical therapist, licensed under chapter 334, RSMo, who cares for participants. The physical therapist shall be recommended by any Missouri organization or association that represents a significant number of physical therapists licensed in this state;

(18) One member representing a managed care organization under the MO HealthNet program, as defined in section 208.431;”; and further amend said subsection by renumbering the subdivisions accordingly.

Senator Shoemyer moved that the above amendment be adopted.

Senator Stouffer offered **SA 1** to **SA 3**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 2, Section 208.955, Lines 9-10, by striking all of said lines and inserting in lieu thereof the following:

“(10) One representative of a long-term care facility”.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

SA 3, as amended, was again taken up.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Wilson offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 34, Section

196.1200, Lines 11-15, by striking all of said lines and inserting in lieu thereof the following:

“3. There is hereby created the “Commission for Tobacco Use Prevention, Cessation, and Enforcement”, which shall be established in the department of health and senior services. The commission shall consist of the following thirteen members or their designees:

(1) One member from an organization representing cancer treatment and prevention programs, appointed by the governor;

(2) One member from an organization representing heart disease treatment and prevention programs, appointed by the governor;

(3) One member from an organization representing lung disease treatment and prevention programs, appointed by the governor;

(4) A representative from the Missouri State Medical Association, appointed by the governor;

(5) A representative from the nursing profession recommended by the Missouri Nurses' Association and appointed by the governor;

(6) A representative from a smoking prevention advocacy organization, appointed by the governor;

(7) One member from a local medical society representing the Kansas City area, appointed by the governor;

(8) One member from a local medical society representing the St. Louis area, appointed by the governor;

(9) One member from a local medical society representing the Greene county area, appointed by the governor;

(10) The director of the Missouri department of health and senior services;

(11) The director of the Missouri department of mental health;

(12) The president pro tempore of the Missouri senate;

(13) The speaker of the Missouri house of representatives.

The members appointed by the governor shall be approved with the advice and consent of the senate.

4. Members of the commission appointed by the governor shall serve two-year terms, subject to reappointment. Service shall be voluntary, with reasonable reimbursement for expenses incurred by members who are not employees of the state of Missouri.

5. The commission shall designate moneys from the tobacco use prevention, cessation and enforcement trust fund for programs described under subsection 2 of this section consistently with the Center for Disease Control and Prevention, or its successor agency's, best practices and guidelines for state tobacco control programs. No member of the commission may be an employee of or have any financial interest in any tobacco company or any company or private organization with any financial ties to any tobacco company.

6. The commission shall submit a report by December 15, 2008, to the governor, the speaker of the house of representatives, and the president pro tem of the senate that includes information

regarding the commission's recommendations for program guidelines and administration. No later than December fifteenth of each following year, the commission shall submit a report to the governor, the speaker of the house of representatives, and the president pro tem of the senate, which shall include information regarding the number of program applicants and evaluation of programs currently being funded based on accountability standards set by the commission.”; and further amend said section, by renumbering the remaining subsection accordingly.

Senator Wilson moved that the above amendment be adopted, which motion failed.

Senator Green offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 33, Section 192.990, Line 18, by inserting immediately after said line the following:

“195.070. 1. A physician, podiatrist, dentist, or a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, RSMo, in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, RSMo, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019, RSMo, and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104, RSMo, may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family.

3. A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and he may cause them to be administered by an assistant or orderly under his direction and supervision.

[3.] 4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug.

[4.] 5. An individual practitioner may not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him, he shall securely affix to each package

in which that drug is contained, a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except a pharmacist for the purpose of filling a prescription under sections 195.005 to 195.425, shall alter, deface, or remove any label so affixed.

5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on a prescription issued by a physician, dentist, podiatrist [or], veterinarian, **or advanced practice registered nurse**, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name and address of the pharmacy or practitioner for whom he is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the physician, dentist, podiatrist [or], **advanced practice registered nurse, or** veterinarian by whom the prescription was written; **the name of the collaborating physician if the prescription is written by an advanced practice registered nurse**, and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.”; and

Further amend said bill, page 92, section 208.1345, line 18, by inserting immediately after said line the following:

“334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice nurse as defined in subdivision (2) of section 335.016, RSMo. **Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, RSMo, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, RSMo.** Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. **The written collaborative practice arrangement shall contain at least the following provisions:**

(1) **Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;**

(2) **A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;**

(3) **A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;**

(4) **All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;**

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse; and

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's prescribing practices. The description shall include provisions that the advanced practice registered nurse shall submit documentation of the advanced practice registered nurse's prescribing practices to the collaborating physician within fourteen days. The documentation shall include, but not be limited to, a random sample review by the collaborating physician of at least twenty percent of the charts and medications prescribed.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036, RSMo, may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements **including delegating authority to prescribe controlled substances**. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197, RSMo.

[4.] 5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing,

investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

[5.] **6.** Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, **including collaborative practice agreements delegating the authority to prescribe controlled substances**, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

[6.] **7.** Notwithstanding anything to the contrary in this section, a registered nurse who has graduated from a school of nurse anesthesia accredited by the Council on Accreditation of Educational Programs of Nurse Anesthesia or its predecessor and has been certified or is eligible for certification as a nurse anesthetist by the Council on Certification of Nurse Anesthetists shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed.

8. A collaborating physician shall not enter into a collaborative practice arrangement with more than three full-time equivalent advanced practice registered nurses. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197, RSMo.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020, RSMo, if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe

medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

335.016. As used in this chapter, unless the context clearly requires otherwise, the following words and terms mean:

(1) “Accredited”, the official authorization or status granted by an agency for a program through a voluntary process;

(2) “Advanced practice **registered** nurse”, a nurse who has [had] education beyond the basic nursing education and is certified by a nationally recognized professional organization [as having a nursing specialty, or who meets criteria for advanced practice nurses established by the board of nursing. The board of nursing may promulgate rules specifying which professional nursing organization certifications are to be recognized as advanced practice nurses, and may set standards for education, training and experience required for those without such specialty certification to become advanced practice nurses] **as a certified nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or a certified clinical nurse specialist. The board shall promulgate rules specifying which nationally recognized professional organization certifications are to be recognized for the purposes of this section.** Advanced practice nurses and only such individuals may use the title “Advanced Practice Registered Nurse” and the abbreviation “APRN”;

(3) “Approval”, official recognition of nursing education programs which meet standards established by the board of nursing;

(4) “Board” or “state board”, the state board of nursing;

(5) “**Certified nurse practitioner**”, a registered nurse who is currently certified as a nurse practitioner by a nationally recognized certifying body approved by the board of nursing;

(6) “**Certified clinical nurse specialist**”, a registered nurse who is currently certified as a clinical nurse specialist by a nationally recognized certifying board approved by the board of nursing;

(7) “**Certified nurse midwife**”, a registered nurse who is currently certified as a nurse midwife by the American College of Nurse Midwives, or other nationally recognized certifying body approved by the board of nursing;

(8) “**Certified registered nurse anesthetist**”, a registered nurse who is currently certified as a nurse anesthetist by the Council on Certification of Nurse Anesthetists, the Council on Recertification of Nurse Anesthetists, or other nationally recognized certifying body approved by the board of nursing;

[(5)] (9) “Executive director”, a qualified individual employed by the board as executive secretary or otherwise to administer the provisions of this chapter under the board's direction. Such person employed as executive director shall not be a member of the board;

[(6)] (10) “Inactive nurse”, as defined by rule pursuant to section 335.061;

[(7)] (11) “Lapsed license status”, as defined by rule under section 335.061;

[(8)] (12) “Licensed practical nurse” or “practical nurse”, a person licensed pursuant to the provisions of this chapter to engage in the practice of practical nursing;

[(9)] (13) “Licensure”, the issuing of a license to practice professional or practical nursing to candidates who have met the specified requirements and the recording of the names of those persons as holders of a license to practice professional or practical nursing;

[(10)] (14) “Practical nursing”, the performance for compensation of selected acts for the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in normal health processes. Such performance requires substantial specialized skill, judgment and knowledge. All such nursing care shall be given under the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse. For the purposes of this chapter, the term “direction” shall mean guidance or supervision provided by a person licensed by a state regulatory board to prescribe medications and treatments or a registered professional nurse, including, but not limited to, oral, written, or otherwise communicated orders or directives for patient care. When practical nursing care is delivered pursuant to the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse, such care may be delivered by a licensed practical nurse without direct physical oversight;

[(11)] (15) “Professional nursing”, the performance for compensation of any act which requires substantial specialized education, judgment and skill based on knowledge and application of principles derived from the biological, physical, social and nursing sciences, including, but not limited to:

(a) Responsibility for the teaching of health care and the prevention of illness to the patient and his or her family;

(b) Assessment, nursing diagnosis, nursing care, and counsel of persons who are ill, injured or experiencing alterations in normal health processes;

(c) The administration of medications and treatments as prescribed by a person licensed by a state regulatory board to prescribe medications and treatments;

(d) The coordination and assistance in the delivery of a plan of health care with all members of a health team;

(e) The teaching and supervision of other persons in the performance of any of the foregoing;

[(12)] (16) A “registered professional nurse” or “registered nurse”, a person licensed pursuant to the provisions of this chapter to engage in the practice of professional nursing;

[(13)] (17) “Retired license status”, any person licensed in this state under this chapter who retires from such practice. Such person shall file with the board an affidavit, on a form to be furnished by the board, which states the date on which the licensee retired from such practice, an intent to retire from the practice for at least two years, and such other facts as tend to verify the retirement as the board may deem necessary; but if the licensee thereafter reengages in the practice, the licensee shall renew his or her license with the board as provided by this chapter and by rule and regulation.

335.019. The board of nursing may grant a certificate of controlled substance prescriptive authority to an advanced practice registered nurse who:

(1) Submits proof of successful completion of an advanced pharmacology course that shall include preceptorial experience in the prescription of drugs, medicines and therapeutic devices; and

(2) Provides documentation of a minimum of three hundred clock hours preceptorial experience in the prescription of drugs, medicines, and therapeutic devices with a qualified preceptor; and

(3) Provides evidence of a minimum of one thousand hours of practice in an advanced practice nursing category prior to application for a certificate of prescriptive authority. The one thousand hours shall not include clinical hours obtained in the advanced practice nursing education program. The one thousand hours of practice in an advanced practice nursing category may include transmitting a prescription order orally or telephonically or to an inpatient medical record from protocols developed in collaboration with and signed by a licensed physician; and

(4) Has a controlled substance prescribing authority delegated in the collaborative practice arrangement under section 334.104, RSMo, with a physician who has an unrestricted federal Drug Enforcement Administration registration number and who is actively engaged in a practice comparable in scope, specialty, or expertise to that of the advanced practice registered nurse.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 54, Section 208.152, Line 5, by inserting after all of said line the following:

“(20) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive, and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive, and behavioral function. The MO HealthNet division shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations, and payment mechanism utilizing the expertise of brain injury rehabilitation service providers and the Missouri head injury advisory council created under section 192.745, RSMo. Such services shall be provided in a community-based facility and be authorized on tier levels based on the services the patient requires and the frequency of the services as guided by a qualified rehabilitation professional associated with a health care home. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this subdivision shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void;”; and

Further renumber the remaining subdivisions accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 29, Section 191.1265, Line 21, by inserting immediately after the word “registration.” the following:

“Beginning July 1, 2009, all health carriers, as defined under section 376.1350, RSMo, shall reimburse services provided through telehealth in the same manner they would reimburse a standard office visit or consultation by the provider or specialist. The department of social services shall promulgate rules for the MO HealthNet program consistent with the provisions of this section.”.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 23, Section 191.1008, Line 24, by striking the words “or by nonprofit community-based organizations” and inserting in lieu thereof the following: “that do not receive funding from or is affiliated with a health care insurer”.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Wilson offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 34, Section 196.1200, Line 10, by inserting at the end of said line the following:

“At least twenty-five percent of the moneys from the fund shall be used for youth smoking prevention programs modeled upon evidence-based programs proven to reduce youth smoking in one or more jurisdictions within the United States.”.

Senator Wilson moved that the above amendment be adopted.

At the request of Senator Dempsey, **SB 1283**, with **SCS**, **SS** for **SCS** and **SA 9** (pending), was placed on the Informal Calendar.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, Senator Shields submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 877**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lager assumed the Chair.

RE-REFERRALS

President Pro Tem Gibbons re-referred **HCS** for **HJR 41** to the Committee on Pensions, Veterans' Affairs and General Laws.

President Pro Tem Gibbons re-referred **HB 1716** to the Committee on the Judiciary and Civil and Criminal Jurisprudence.

RESOLUTIONS

Senator Graham offered Senate Resolution No. 2451, regarding Matthew J. Gierse, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 2452, regarding Paige C. Nilson, Columbia, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Shoemyer introduced to the Senate, Mrs. Ogar, Mrs. Robley, Mrs. Webber, parents and fifty-eight fourth grade students from Hawthorn Elementary School, Mexico.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Steve Smith, M.D., St. Louis.

Senator Gibbons introduced to the Senate, members of the Hispanic Chamber of Commerce.

Senator Gibbons introduced to the Senate, Alan and Lynn Leaderbrand and Russ and Cindy Ahlheim, St. Louis.

Senator Clemens introduced to the Senate, Scott and Vicky Quinn and their grandson, David Johnson, Marshfield; and David was made an honorary page.

Senator Callahan introduced to the Senate, Rudy Chavez, Tom Livingston and Joe Runion, Kansas City.

Senator Mayer introduced to the Senate, Cassidy Maddox, Brittany Berry and Mary Howell, Malden.

Senator Scott introduced to the Senate, Wayne and Wanda Sheen, Kansas City.

Senator Bray introduced to the Senate, Miss Bowles, Mr. Ploussard and thirty-six eighth grade students from Saint Monica's School, Creve Coeur.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SIXTH DAY—WEDNESDAY, APRIL 23, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 2191-Nasheed, et al
HCS for HB 1649

HCS for HB 1474

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)
SCS for SB 1172-Goodman

SCS for SB 1040-Clemens
SS for SB 817-Goodman
SJR 45-Clemens

SENATE BILLS FOR PERFECTION

SB 1197-Crowell
SB 1275-Vogel
SB 1164-Loudon
SB 738-Nodler, with SCS

SB 1170-Mayer, with SCS
SBs 1181, 1100, 1262 & 1263-Engler, with SCS
SB 1245-Nodler
SB 877-Mayer

HOUSE BILLS ON THIRD READING

1. HB 1661-LeVota, et al (Ridgeway)
2. HCS for HB 1779, with SCS (Griesheimer)
3. HCS for HB 1619, with SCS (Champion)
(In Fiscal Oversight)
4. HB 1384 & HB 2157-Cox, et al, with SCS
(Gibbons)
5. HCS for HB 2104, HB 1574, HB 1706,
HCS for HB 1774, HB 2055 & HCS for
HB 2056, with SCS

6. HCS for HJR 55
7. HB 1937-Pearce, et al, with SCS
8. HB 2224-Jones (117), et al, with
SCS (Griesheimer)
9. HB 1711-Weter, et al, with SCS (Clemens)
10. HB 1970-Wasson
11. HCS for HB 1763
12. HCS for HB 2068

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS
SB 713-Gibbons, with SCS
SB 716-Loudon, et al
SB 717-Kennedy and Shields
SB 729-Griesheimer, with SCS
SB 749-Ridgeway, with SCS
SB 756-Engler and Rupp, with SCS (pending)
SB 776-Justus and Koster, with SCS
SB 809-Stouffer, with SCS, SS for SCS &
SA 1 (pending)
SB 811-Stouffer, with SCS, SA 1 & point
of order (pending)

SB 815-Goodman
SB 821-Shoemyer, with SCS (pending)
SBs 840 & 857-Engler, with SCS & SS for
SCS (pending)
SB 861-Shoemyer, with SCS
SB 865-Rupp and Gibbons, with SCS
SB 874-Graham, with SCS
SB 881-Green
SB 904-Griesheimer, with SCS
SBs 909, 954, 934 & 1003-Engler, with SCS
SB 915-Ridgeway
SB 917-Goodman, et al

SB 929-Green and Callahan, with SCS	SB 1067-Ridgeway, et al
SB 957-Goodman	SB 1077-Goodman
SBs 982, 834 & 819-Purgason, with SCS	SB 1093-Loudon, et al
SB 990-Champion	SB 1094-Loudon, with SCS
SBs 993 & 770-Crowell, with SCS, SS for SCS, SA 4 & SSA 1 for SA 4 (pending)	SB 1099-Graham, with SA 1 (pending)
SB 996-Crowell, with SCS	SB 1101-Bray, et al
SB 997-Crowell	SB 1103-Gibbons
SB 1000-Justus	SB 1138-McKenna, with SCS
SB 1007-Loudon, with SA 2 (pending)	SB 1158-Mayer, with SCS
SBs 1021 & 870-Loudon, et al, with SCS, SS for SCS, SA 1 & SSA 1 for SA 1 (pending)	SB 1180-Crowell
SB 1035-Scott, with SCS	SB 1183-Bray, with SCS
SB 1046-Mayer, with SA 1 & SSA 1 for SA 1 (pending)	SBs 1234 & 1270-Shields, with SCS & SS#2 for SCS (pending)
SB 1052-Rupp	SB 1240-Dempsey
SB 1054-Dempsey, with SCS	SB 1244-Barnitz and Purgason
SB 1057-Scott, with SCS	SB 1278-Shields
SB 1058-Mayer	SB 1283-Dempsey, et al, with SCS, SS for SCS & SA 9 (pending)
	SJR 43-Loudon

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)	HCS for HB 2048, with SCS (Engler)
HB 1670-Cooper (120) (Dempsey)	HB 2213-Kraus, et al (Shields)
HB 1828-Sutherland (Vogel)	HB 1422-St. Onge, et al, with SCS (Stouffer)
HCS for HB 1804, with SCS (Days)	HB 1354-Wilson (119), et al (Scott)
HB 2047-Curls, et al, with SCS (Callahan)	HCS for HB 1575 (Vogel)
HB 1410-Flook, et al (Ridgeway)	HB 1952-Loehner, et al (Barnitz)
HCS for HB 1888 (Clemens)	HB 1887-Parson (Scott)
HB 1368-Thomson (Lager)	HCS for HB 2360 (Lager)
HCS for HB 1807, with SCS (Mayer)	HB 1311-Hoskins, with SCS (Engler)
HB 1869-Wilson (130), et al (Goodman)	HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin (Ridgeway)	HB 1450-Roord, et al, with SCS (McKenna)
HB 2065-Wasson, with SCS (Scott)	HB 2233-Page, et al (Shields)

HB 1419-Portwood (Loudon)
HB 1791-Cooper (155), et al (Barnitz)

HB 1689-Wilson (130), with SCS (Scott)
HCS for HB 1690, with SCS (Scott)

Reported 4/15

HCS for HB 1380 (Goodman)
HCS for HB 2036 (Stouffer)
HB 1946-Franz, with SCS (Champion)
HB 1849-Pratt and Curls (Justus)
HB 1640-Schoeller, et al, with SCS (Goodman)
HB 1570-Franz, with SCS (Champion)
HB 1469-Pratt (Goodman)

HB 1710-Flook (Ridgeway)
HCS for HB 1783 (Engler)
HB 1784-Meadows, et al (McKenna)
HB 1313-Wright, et al (Mayer)
HCS for HB 1893 (Dempsey)
HB 1881-Schlottach

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2002, with SCS (Nodler)
HCS for HB 2003, with SCS (Nodler)
HB 2004, with SCS (Nodler)
HCS for HB 2005, with SCS (Nodler)
HCS for HB 2006, with SCS (Nodler)
HCS for HB 2007, with SCS (Nodler)

HCS for HB 2008, with SCS (Nodler)
HCS for HB 2009, with SCS (Nodler)
HCS for HB 2010, with SCS (Nodler)
HCS for HB 2011, with SCS (Nodler)
HCS for HB 2012, with SCS (Nodler)
HCS for HB 2013, with SCS (Nodler)

RESOLUTIONS

Reported from Committee

SCR 31-Barnitz
SCR 36-Green

SCR 39-Shields, with SCS
SCR 29-Mayer

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Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SIXTH DAY—WEDNESDAY, APRIL 23, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The fault with charity—too little; with speech—too much.” (Judah Al-Harizi)

Merciful God, You have created us to live with an open heart and a forgiving spirit so we pray that we may truly open our hearts to the needs of others about us and try to meet those needs the best that we can. And let us not love to hear ourselves talk so that we drown out the voice of others but have an openness to hear what may be wise and helpful in our work here. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

SENATE BILLS FOR PERFECTION

Senator Dempsey moved that **SB 1283**, with **SCS**, **SS** for **SCS** and **SA 9** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 9 was again taken up.

Senator Wilson moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 100, Section 376.1618, Line 4 of said page, by inserting after all of said line the following:

“Section 1. In implementing provisions related to coverage of the uninsured and payments to providers for providing care to the uninsured under sections 208.1300 to 208.1345, RSMo, and under the MO HealthNet program, the MO HealthNet division shall take into consideration the special needs of Missouri's Tier I Safety Net providers so that they are not disproportionately impacted by regulations promulgated by the division as it implements the provisions of such programs.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Mayer assumed the Chair.

Senator Engler offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 95, Section 376.685, Line 3, by inserting after all of said line the following:

“376.845. 1. As used in this section, the following terms mean:

(1) “Applicant”, a person who seeks to contract for insurance benefits;

(2) “Director”, the director of the department of insurance, financial institutions and professional registration;

(3) “Medicare”, the Health Insurance for the Aged Act, Title XVII of the Social Security Amendments of 1965, as amended;

(4) “Medicare Advantage plan”, a private health plan approved by the Medicare Advantage Program under section 1876 of the federal Social Security Act, 42 U.S.C. section 1395 w-26;

(5) “Personal solicitation”, either an on-site presentation at a facility or a home meeting with an insurance agent for the purpose of enrolling an applicant in a Medicare Advantage plan.

2. No application shall be submitted to an applicant for enrollment in a Medicare Advantage plan until the lapse of two business days from the initial personal solicitation and the applicant has signed the disclosure described under subsection 3 of this section.

3. The disclosure shall be signed and dated by both the applicant and agent on the day of the initial personal solicitation and shall include:

(1) A statement that Medicare Advantage plans are not Medicare supplement policies or what are commonly referred to as Medigap plans;

(2) A statement that advises the applicant to confirm with his or her health care providers, including a primary care physician and hospital, whether or not the health care provider has contracted with the Medicare Advantage plan to provide medical services; and

(3) A statement advising the applicant to contact either a trusted family member, friend, or the state health insurance assistance program to review the plan with the applicant.

4. In addition to the disclosure, the agent shall also provide a list of providers contracting with the Medicare Advantage plan to provide medical services in the applicant's regional area. Such list may be in the form of a provider directory or other similar document.

5. The director shall prescribe the format and content of the disclosure required under subsection 3 of this section. For purposes of this section, “format” means style, arrangements and overall appearance, including such items as the size, color and prominence of type and arrangement of text and captions. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

6. A violation of any provision of this section shall constitute a level two violation under section 374.049, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 18, Section 143.116, Line 8, by inserting after all of said line the following:

“167.182. 1. Each parent or guardian of a female student enrolling in grade six shall be provided information regarding immunizations against the human papillomavirus in accordance with this section.

2. (1) Each public school district shall provide the names and addresses of all parents and guardians of female students who are entering grade six to the department of health and senior services and the department shall mail to such parent or guardian age appropriate information relating to the connection between human papillomavirus and cervical cancer, and that an immunization against the human papillomavirus infection is available.

(2) Such information shall include:

(a) The risk factors for developing cervical cancer, the symptoms of the disease, how it may be diagnosed and its possible consequences if untreated;

(b) The connection between human papillomavirus and cervical cancer, how human papillomavirus is transmitted, how transmission may be prevented, including abstinence as the best way to prevent sexually transmitted diseases, and the relative risk of contracting human papillomavirus for primary and secondary school students;

(c) The latest scientific information on the immunization against human papillomavirus infection and the immunization's effectiveness against causes of cervical cancer;

(d) That a pap smear is still critical for the detection of precancerous changes in the cervix to allow for treatment before cervical cancer develops; and

(e) A statement that any questions or concerns regarding immunizing the child against human papillomavirus could be answered by contacting a health care provider.

(3) Each informational mailing sent to the parents or guardian of female students who are entering grade six shall request that the parents or guardian of such students voluntarily furnish to the department not later than twenty school days after the first day of school a written statement, in a form prescribed by the department of health and senior services, stating that the parent has received the information required under this subsection and that:

(a) The student has received or is receiving the immunization; or

(b) The parent has decided not to have the student immunized.

Such form to be returned voluntarily by the parent or guardian shall not request from the parent or guardian any identifying information of the female student or parent or guardian.

(4) The informational mailing shall have prominently displayed in bold type that the request from the parent or guardian for the written statement under subdivision (3) of this subsection is voluntary.

(5) Beginning July 1, 2009, the department shall submit to the general assembly a report detailing the number of sixth grade female students who have and have not been immunized against the human papillomavirus infection and the number of non-responses to the request for the written statement under subdivision (3) of this subsection. The information derived from subdivision (3) of this subsection shall be used for statistical purposes only and shall not be used to personally identify any parent or guardian, or any student.

(6) Nothing in this subsection shall be construed to prevent a student from school attendance if such parent or guardian has opted not to have the student receive the human papillomavirus immunization or has not returned the statement prescribed in subdivision (3) of this subsection.

3. If a parent or guardian chooses to have the female student immunized for the human papillomavirus but is unable to pay, the student shall be immunized at public expense by a physician or nurse at or from the county, district, city public health center or a school nurse or by a nurse or physician in the private office or clinic of the child's personal physician with the costs of immunization paid through the Mo HealthNet program, private insurance or in a manner to be determined by the department of health and senior services subject to state and federal appropriations.

4. Funds for the administration of this section and for the purchase of vaccines for students of

families unable to afford them shall be appropriated to the department of health and senior services from general revenue or from federal funds if available.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Smith offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 54, Section 208.152, Lines 24-25, by striking the words “Such service shall be subject to appropriations.” and inserting in lieu thereof the following:

“The general assembly shall appropriate at least seven million dollars annually in order to provide medically necessary adult dental services under the MO HealthNet program.”.

Senator Smith moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Green, Shoemyer and Wilson.

SA 13 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman	Days	Green	Justus	Kennedy
McKenna	Shoemyer	Smith	Wilson—12				

NAYS—Senators

Bartle	Champion	Clemens	Crowell	Dempsey	Gibbons	Goodman	Lager
Loudon	Mayer	Nodler	Purgason	Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—18						

Absent—Senators

Engler	Graham	Griesheimer	Koster—4
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Absent with leave—Senators—None

Vacancies—None

Senator Champion offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 31, Section 192.083, Line 26, by inserting after said line the following:

“192.631. 1. Subject to appropriations, by July 1, 2009, the department of health and senior services shall establish a school-based influenza vaccination pilot program. Participation in the program shall be voluntary on the part of the school district and shall be administered with the consent of the student's parents or legal guardian. When creating the program, the department shall also take into account:

- (1) The costs and benefits of establishing a school-based influenza vaccination pilot program;**
- (2) The barriers to implementing the proposed pilot program; and**
- (3) The fiscal impact to the state of such program.**

2. The department shall work to increase influenza vaccination awareness and participation among parents of children aged six months to five years in child care facilities. The official website of the department shall have information on the benefits of annual vaccination against influenza for children and its programs offered for the children. The department shall cooperate with the department of social services and department of elementary and secondary education in order to distribute the information to the parents and child care facilities effectively in August or September in every year.

3. The department shall promulgate rules for the implementation of the pilot program created under this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

4. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

(1) Any new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Champion moved that the above amendment be adopted, which motion prevailed.

Senator Goodman offered **SA 15:**

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 60, Section 208.152, Line 20 of said page, by inserting immediately after said line the following:

“208.207. The MO HealthNet program shall not require a pharmacist filling any prescription for any drug that has been prescribed as an immunosuppressant that denotes that the drug is from a

specific manufacturer, be it generic or name brand, to be interchanged from another manufacturer other than the one specified in the prescription, unless the MO HealthNet participant is notified of the interchange, in writing or verbally, upon the delivery of the prescription. If such drug is interchanged with notice to the MO HealthNet participant, the pharmacist who fills such prescription shall also notify the prescribing health care professional before the delivery of the prescription, unless authorized to make such interchange under subdivisions (1) and (2) of subsection 2 of section 338.056, RSMo. This requirement shall not apply to prescriptions dispensed for inpatients of a hospital, nursing home, assisted living facility, or inpatients of a mental health or residential facility. For purposes of this section, “immunosuppressive drug” means a drug that is used in immunosuppressive therapy to inhibit or prevent activity of the immune system, and is used to prevent the rejection of transplanted organs and tissues. Immunosuppressive drugs shall not include drugs for the treatment of autoimmune disease or diseases that most likely are of autoimmune origin.”; and

Further amend the title and enacting clause accordingly.

Senator Goodman moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 9, Section 103.185, Line 22 of said page, by inserting at the end of said line the following: “**In order to keep state employees healthy and productive, any additional costs for preventive services provided under this section shall not be paid by the state employee.**”.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Goodman offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 43, Section 197.590, Lines 11-24 of said page, by striking said section and inserting in lieu thereof the following:

197.588. This section shall apply to any hospital that reports a reportable incident under section 197.554. A claim for payment filed by a hospital for health care services related to a reportable incident shall not be subject to sections 375.1000 or 375.383, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Goodman moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 18**, which was read:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 84, Section 208.1312, Lines 7-9, by striking all of said lines and inserting in lieu thereof the following:

“208.1312. Under no circumstances shall less than ninety-five percent of the funds appropriated by the general assembly for the plan be used to fund payment for health care services.”.

Senator Bray moved that the above amendment be adopted.

Senator Bray offered **SA 1** to **SA 18**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 18

Amend Senate Amendment No. 18 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 1, Section 208.1312, Lines 4-5, by striking the word “ninety-five” and inserting in lieu thereof the following: “**ninety-three**”.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

SA 18, as amended, was again taken up.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Graham offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1283, Page 101, Section 192.014, Line 27, by inserting after all of said line the following:

“[334.253. 1. A physician may not make a referral to an entity for the furnishing of any physical therapy services with whom the physician, physician's employer, or immediate family member of such referring physician has a financial relationship. A financial relationship exists if the referring physician, the referring physician's employer, or immediate family member:

(1) Has a direct or indirect ownership or investment interest in the entity whether through equity, debt, or other means; or

(2) Receives remuneration from a compensation arrangement from the entity for the referral.

2. The following financial arrangements shall be exempt from disciplinary action under this section:

(1) When the entity with whom the referring physician has an ownership or investment interest is the sole provider of the physical therapy service within a rural area;

(2) When the referring physician owns registered securities issued by a publicly held corporation or publicly traded limited partnership, the shares of which are traded on a national exchange or the over-the-counter market, provided that such referring physician's interest in the publicly held corporation or publicly traded limited partnership is less than five percent and the referring physician does not receive any compensation from such publicly held corporation or publicly traded limited partnership other than as any other owner of the shares of such publicly held corporation or publicly traded limited partnership;

(3) When the referring physician has an interest in real property resulting in a landlord-tenant relationship between the physician and the entity in which the equity interest is held, unless the rent is determined, in whole or in part, by the business volume or profitability of the tenant or is otherwise unrelated to fair market value;

(4) When the indirect ownership in the entity is by means of a bona fide debt incurred in the purchase or acquisition of the entity for a price which does not in any manner reflect the potential source of referrals from the physician with the indirect interest in the entity and the terms of the debt are fair market value, and neither the amount or the terms of the debt in any manner, directly or indirectly, constitutes a form of compensating such physician for the source of his business;

(5) When such physician's employer is a health maintenance organization as defined in subdivision (6) of section 376.960, RSMo, and such health maintenance organization owns or controls other organizations which furnish physical therapy services so long as the referral is to such owned or controlled organization and the physician does not also have a direct or indirect ownership or investment interest in such organization, physical therapy services or the health maintenance organization and the referring physician does not receive any remuneration as the result of the referral;

(6) When such physician's employer is a hospital defined in section 197.020, RSMo, and such hospital owns or controls other organizations which furnish physical therapy services so long as the referral is to such owned or controlled organization and the physician does not also have a direct or indirect ownership or investment interest in such organization, physical therapy service, or the hospital and the referring physician does not receive any remuneration as the result of the referral.

3. The provisions of sections 334.252 and 334.253 shall become effective January 1, 1995.]”; and
Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 19** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Dempsey moved that **SS** for **SCS** for **SB 1283**, as amended, be adopted, which motion prevailed.

On motion of Senator Dempsey, **SS** for **SCS** for **SB 1283**, as amended, was declared perfected and ordered printed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 2191—Education.

HCS for **HB 1649**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 1474**—Financial and Governmental Organizations and Elections.

On motion of Senator Shields, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 2453, regarding James Blackwell, Salisbury, which was adopted.

Senator Stouffer offered Senate Resolution No. 2454, regarding Kearney High School, Clay County, which was adopted.

Senator Stouffer offered Senate Resolution No. 2455, regarding Susan Parks, Kearney, which was adopted.

Senator Stouffer offered Senate Resolution No. 2456, regarding Gregg Raffety, Lawson, which was adopted.

Senator Stouffer offered Senate Resolution No. 2457, regarding Judith D. Friesz, Brunswick, which was adopted.

Senator Stouffer offered Senate Resolution No. 2458, regarding Marilyn Bock, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 2459, regarding Vicki Goodwin, Warrensburg, which was adopted.

Senator Stouffer offered Senate Resolution No. 2460, regarding RoseMary Crosswhite, Houstonia, which was adopted.

Senator Stouffer offered Senate Resolution No. 2461, regarding Betty McKeage, Alma, which was adopted.

Senator Stouffer offered Senate Resolution No. 2462, regarding Carol McDonald, Alma, which was adopted.

Senator Stouffer offered Senate Resolution No. 2463, regarding Charles S. Minor, which was adopted.

Senator Stouffer offered Senate Resolution No. 2464, regarding Kathy O'Dell, which was adopted.

Senator Stouffer offered Senate Resolution No. 2465, regarding Debbie Drane, which was adopted.

Senator Stouffer offered Senate Resolution No. 2466, regarding Rhonda M. Meyer, which was adopted.

Senator Stouffer offered Senate Resolution No. 2467, regarding James Russell Billington, which was adopted.

Senator Stouffer offered Senate Resolution No. 2468, regarding Dr. William G. Page, which was adopted.

Senator Stouffer offered Senate Resolution No. 2469, regarding Debbie Yount, which was adopted.

Senator Lager offered Senate Resolution No. 2470, regarding Joshua Murphy, Smithville, which was adopted.

Senator Lager offered Senate Resolution No. 2471, regarding David Courter, Plattsburg, which was adopted.

Senator Lager offered Senate Resolution No. 2472, regarding Nicholas Hanser, Plattsburg, which was adopted.

Senator Lager offered Senate Resolution No. 2473, regarding Cindy Boone, which was adopted.

Senator Lager offered Senate Resolution No. 2474, regarding the 2007-2008 Class 1 State Champion Jefferson High School Boys Basketball Team, which was adopted.

Senator Vogel offered Senate Resolution No. 2475, regarding Norma J. Cole, Fulton, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2476, regarding Ruby K. Tyler, which was adopted.

Senator Bray offered Senate Resolution No. 2477, regarding the 2007-2008 Class 3 State Champion

Maplewood-Richmond Heights High School Boys Basketball Blue Devils, which was adopted.

Senator Gibbons offered Senate Resolution No. 2478, regarding Joshua R. Delahanty, St. Louis, which was adopted.

SENATE BILLS FOR PERFECTION

SB 1197 was placed on the Informal Calendar.

SB 1275 was placed on the Informal Calendar.

SB 1164 was placed on the Informal Calendar.

Senator Nodler moved that **SB 738**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 738**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 738**

An Act to repeal sections 643.151 and 644.076, RSMo, and to enact in lieu thereof two new sections relating to recycling companies that convert animal parts into petroleum, with penalty provisions.

Was taken up.

Senator Nodler moved that **SCS** for **SB 738** be adopted.

Senator Nodler offered **SS** for **SCS** for **SB 738**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 738**

An Act to repeal sections 643.151 and 644.076, RSMo, and to enact in lieu thereof two new sections relating to recycling companies that convert animal parts into petroleum, with penalty provisions.

Senator Nodler moved that **SS** for **SCS** for **SB 738** be adopted, which motion prevailed.

Senator Lager assumed the Chair.

On motion of Senator Nodler, **SS** for **SCS** for **SB 738** was declared perfected and ordered printed.

SB 1170, with **SCS**, was placed on the Informal Calendar.

Senator Engler moved that **SB 1181**, **SB 1100**, **SB 1262** and **SB 1263**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 1181, 1100, 1262** and **1263**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1181, 1100, 1262 and 1263**

An Act to repeal sections 8.800, 8.810, 8.812, 8.815, 8.837, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 143.121, and 170.011, RSMo, and to enact in lieu thereof twenty-six new sections relating to energy efficiency, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS** for **SBs 1181, 1100, 1262 and 1263** be adopted.

Senator Clemens offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1181, 1100, 1262 and 1263, Page 24, Section 251.650, Line 28, by inserting after all of said line the following:

“260.1050. Sections 260.1050 to 260.1101 may be cited as the “Manufacturer Responsibility and Consumer Convenience Equipment Collection and Recovery Act”.

260.1053. As used in sections 260.1050 to 260.1101, the following terms mean:

(1) “Brand”, the name, symbol, logo, trademark, or other information that identifies a product rather than the components of the product;

(2) “Computer materials”, a desktop or notebook computer and includes a computer monitor or other display device that does not contain a tuner;

(3) “Consumer”, an individual who uses equipment that is purchased primarily for personal or home business use;

(4) “Department”, department of natural resources;

(5) “Equipment”, computer materials or a television, or both;

(6) “Manufacturer”, a person:

(a) Who manufactures or manufactured equipment under a brand that:

a. The person owns or owned; or

b. The person is or was licensed to use, other than under a license to manufacture equipment for delivery exclusively to or at the order of the licensor;

(b) Who sells or sold equipment manufactured by others under a brand that:

a. The person owns or owned; or

b. The person is or was licensed to use, other than under a license to manufacture equipment for delivery exclusively to or at the order of the licensor;

(c) Who manufactures or manufactured equipment without affixing a brand;

(d) Who manufactures or manufactured equipment to which the person affixes or affixed a brand that:

a. The person does not or has not owned; or

b. The person is not or was not licensed to use; or

(e) Who imports or imported equipment manufactured outside the United States into the United States unless at the time of importation the company or licensee that sells or sold the equipment to the importer has or had assets or a presence in the United States sufficient to be considered the manufacturer;

(7) “Television”, any telecommunication system device that can receive moving pictures and

sound broadcast over a distance and includes a television tuner or a display device peripheral to a computer in which the display device contains a television tuner.

260.1059. 1. The collection, recycling, and reuse provisions of sections 260.1050 to 260.1101 apply to equipment used and returned to the manufacturer by a consumer in this state and do not impose any obligation on an owner or operator of a solid waste facility.

2. Sections 260.1050 to 260.1101 do not apply to:

(1) Any part of a motor vehicle, a personal digital assistant, or a telephone, including wireless devices;

(2) A consumer's lease of equipment or a consumer's use of equipment under a lease agreement;
or

(3) The sale or lease of equipment to an entity when the manufacturer and the entity enter into a contract that effectively addresses the collection, recycling, and reuse of equipment that has reached the end of its useful life.

260.1062. 1. Before a manufacturer may offer equipment for sale in this state, the manufacturer shall:

(1) Adopt and implement a recovery plan;

(2) Submit a written copy of the recovery plan to the department; and

(3) Affix a permanent, readily visible label to the equipment with the manufacturer's brand.

2. The recovery plan shall enable a consumer to recycle equipment without paying a separate fee at the time of recycling and shall include provisions for:

(1) The manufacturer's collection from a consumer of any equipment that has reached the end of its useful life and is labeled with the manufacturer's brand; and

(2) Recycling or reuse of equipment collected under subdivision (1) of this subsection.

3. The collection of equipment provided under the recovery plan shall be:

(1) Reasonably convenient and available to consumers in this state; and

(2) Designed to meet the collection needs of consumers in this state.

4. Examples of collection methods that alone or combined meet the convenience requirements of this section include a system:

(1) By which the manufacturer or the manufacturer's designee offers the consumer an option for returning equipment by mail at no charge to the consumer;

(2) Using a physical collection site that the manufacturer or the manufacturer's designee keeps open and staffed and to which the consumer may return equipment; and

(3) Using a collection event held by the manufacturer or the manufacturer's designee at which the consumer may return equipment.

5. Collection services under this section may use existing collection and consolidation infrastructure for handling equipment and may include systems jointly managed by a group of

manufacturers, electronic recyclers and repair shops, recyclers of other commodities, reuse organizations, not-for-profit corporations, retailers, recyclers, and other suitable operations. If a manufacturer or its designee offers a mail-back system as described in subsection 4 of this section, either individually or by working together with a group of manufacturers or by working with others, it shall be deemed to meet the convenience requirements of this section.

6. The recovery plan shall include information for the consumer on how and where to return the manufacturer's equipment. The manufacturer:

(1) Shall include collection, recycling, and reuse information on the manufacturer's publicly available Internet site;

(2) Shall provide collection, recycling, and reuse information to the department; and

(3) May include collection, recycling, and reuse information in the packaging for or in other materials that accompany the manufacturer's equipment when the equipment is sold.

7. Information about collection, recycling, and reuse on a manufacturer's publicly available Internet site does not constitute a determination by the department that the manufacturer's recovery plan or actual practices are in compliance with sections 260.1050 to 260.1101 or other state or federal law.

8. Each manufacturer shall submit a report to the department not later than January thirty-first of each year that includes:

(1) The weight of equipment collected, recycled, and reused during the preceding calendar year; and

(2) Documentation certifying that the collection, recycling, and reuse of equipment during the preceding calendar year was conducted in a manner that complies with section 260.1089 regarding sound environmental management.

9. If more than one person is a manufacturer of a certain brand of equipment as defined by section 260.1053, any of those persons may assume responsibility for and satisfy the obligations of a manufacturer under sections 260.1050 to 260.1101 for that brand. If none of those persons assumes responsibility or satisfies the obligations of a manufacturer for the equipment of that brand, the department may consider any of those persons to be the responsible manufacturer for purposes of sections 260.1050 to 260.1101.

10. The obligations under sections 260.1050 to 260.1101 of a manufacturer who manufactures or manufactured equipment, or sells or sold equipment manufactured by others, under a brand that was previously used by a different person in the manufacture of the equipment extends to all equipment bearing that brand regardless of its date of manufacture.

260.1065. 1. A person who is a retailer of equipment shall not sell or offer to sell new equipment in this state unless the equipment is labeled with the manufacturer's label and the manufacturer is included on the department's list of manufacturers that have recovery plans.

2. Retailers can go to the department's Internet site as outlined in section 260.1071 and view all manufacturers that are listed as having registered a collection program. Covered electronic products from manufacturers on that list may be sold in or into this state.

3. A retailer is not required to collect equipment for recycling or reuse under sections 260.1050 to 260.1101.

260.1068. 1. A manufacturer or retailer of equipment is not liable in any way for information in any form that a consumer leaves on computer materials that are collected, recycled, or reused under sections 260.1050 to 260.1101.

2. The consumer is responsible for any information in any form left on the consumer's computer materials that are collected, recycled, or reused.

3. Compliance with sections 260.1050 to 260.1101 does not exempt a person from liability under other law.

260.1071. 1. The department shall educate consumers regarding the collection, recycling, and reuse of equipment.

2. The department shall host or designate another person to host an Internet site providing consumers with information about the recycling and reuse of equipment, including best management practices and information about and links to information on:

(1) Manufacturers' collection, recycling, and reuse programs, including manufacturers' recovery plans; and

(2) Equipment collection events, collection sites, and community equipment recycling and reuse programs.

260.1074. 1. The department may conduct audits and inspections to determine compliance with sections 260.1050 to 260.1101.

2. The department and the attorney general, as appropriate, shall enforce sections 260.1050 to 260.1101 and, except as provided by subsections 4 and 5 of this section, take enforcement action against any manufacturer, retailer, or person who recycles or reuses equipment for failure to comply with sections 260.1050 to 260.1101.

3. The attorney general may file suit to enjoin an activity related to the sale of equipment in violation of sections 260.1050 to 260.1101.

4. The department shall issue a written warning notice to a person upon the person's first violation of sections 260.1050 to 260.1101. The person shall comply with sections 260.1050 to 260.1101 not later than the sixtieth day after the date the warning notice is issued.

5. A retailer who receives a warning notice from the department that the retailer's inventory violates sections 260.1050 to 260.1101 because it includes equipment from a manufacturer that has not submitted the recovery plan required by section 260.1062 shall bring the inventory into compliance with sections 260.1050 to 260.1101 not later than the sixtieth day after the date the warning notice is issued.

6. (1) The department may assess a penalty against a manufacturer that does not label its equipment or adopt, implement, or submit a recovery plan as required by section 260.1062. No penalty shall be assessed for a first violation and the amount of the penalty shall not exceed ten thousand dollars for the second violation or twenty-five thousand dollars for each subsequent violation.

(2) Any penalty collected under this section shall be credited to the “Equipment Recycling Subaccount”, which is hereby created, in the hazardous waste fund. Moneys in the subaccount shall be used for the purpose of administering the provisions of sections 260.1050 to 260.1101. The state treasurer shall be custodian of the subaccount and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the subaccount shall be used solely for the administration of sections 260.1050 to 260.1101. Any moneys remaining in the subaccount at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the subaccount.

260.1077. Financial or proprietary information submitted to the department under sections 260.1050 to 260.1101 shall not be considered a public record under chapter 610, RSMo.

260.1080. The department shall compile information from manufacturers and issue an electronic report to the committee in each house of the general assembly having primary jurisdiction over environmental matters not later than March first of each year.

260.1083. Sections 260.1050 to 260.1101 do not authorize the department to impose a fee, including a recycling fee or registration fee, on a consumer, manufacturer, retailer, or person who recycles or reuses equipment.

260.1089. 1. All equipment collected under sections 260.1050 to 260.1101 shall be recycled or reused in a manner that complies with federal, state, and local law.

2. The department shall, by rule, adopt as mandatory standards for recycling or reuse of equipment in this state the standards provided by “Electronics Recycling Operating Practices” as approved by the board of directors of the Institute of Scrap Recycling Industries, Inc., April 25, 2006, or other standards issued from the U.S. Environmental Protection Agency, if available.

260.1092. 1. If federal law establishes a national program for the collection and recycling of equipment and the department determines that the federal law substantially meets the purposes of sections 260.1050 to 260.1101, the department may adopt an agency statement that interprets the federal law as preemptive of sections 260.1050 to 260.1101.

2. Sections 260.1050 to 260.1101 shall expire on the date the department issues a statement under this section.

260.1101. 1. The department shall adopt any rules required to implement sections 260.1050 to 260.1101 not later than July 1, 2009. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

2. Sections 260.1050 to 260.1101 shall not be enforced before rules developed under this section are promulgated.

3. It shall not be considered a violation of sections 260.1050 to 260.1101 for a retailer to sell any inventory accrued before the effective date of sections 260.1050 to 260.1101.”; and

Further amend the title and enacting clause accordingly.

Senator Clemens moved that the above amendment be adopted, which motion prevailed.

Senator Engler moved that **SCS** for **SBs 1181, 1100, 1262 and 1263**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SBs 1181, 1100, 1262 and 1263**, as amended, was declared perfected and ordered printed.

CONCURRENT RESOLUTIONS

Senator Barnitz moved that **SCR 31** be taken up for adoption, which motion prevailed.

On motion of Senator Barnitz, **SCR 31** was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senator Bartle—1

Absent—Senators

Dempsey	Justus	Scott—3
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Absent with leave—Senators—None

Vacancies—None

Senator Green moved that **SCR 36** be taken up for adoption, which motion prevailed.

On motion of Senator Green, **SCR 36** was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—31	

NAYS—Senator Bartle—1

Absent—Senator Justus—1

Absent with leave—Senator Smith—1

Vacancies—None

Senator Shields moved that **SCR 39**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **SCR 39** was taken up.

Senator Shields moved that **SCS** for **SCR 39** be adopted, which motion prevailed.

On motion of Senator Shields, **SCR 39**, as amended by the **SCS**, was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—31	

NAYS—Senator Bartle—1

Absent—Senator Justus—1

Absent with leave—Senator Smith—1

Vacancies—None

Senator Mayer moved that **SCR 29** be taken up for adoption, which motion prevailed.

On motion of Senator Mayer, **SCR 29** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Shields	Shoemyer	Stouffer	Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Green	Justus	Scott—3
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Absent with leave—Senator Smith—1

Vacancies—None

SENATE BILLS FOR PERFECTION

Senator Goodman moved that **SB 1077** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Goodman offered **SS** for **SB 1077**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 1077

An Act to repeal section 434.100, RSMo, and to enact in lieu thereof one new section relating to the

treatment of indemnification and hold harmless clauses within construction work contracts.

Senator Goodman moved that **SS** for **SB 1077** be adopted.

At the request of Senator Goodman, **SB 1077**, with **SS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 23, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Elizabeth B. Aull, Republican, 2391 East Wayland Street, Springfield, Greene County, Missouri 65804, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 23, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Janet M. Bandera, Republican, 318 Magnolia Valley Drive, O'Fallon, Saint Charles County, Missouri 63366, as a member of the Missouri Women's Council, for a term ending December 6, 2010, and until her successor is duly appointed and qualified; vice, Vicky Hartzler, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 23, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Daniel K. Carr, Republican, 1932 High Drive, Liberty, Clay County, Missouri 64068, as a member of the Missouri State Penitentiary Redevelopment Commission, for a term ending March 3, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 23, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Linda L. Duffy, Republican, 1811 Woodrail Avenue, Columbia, Boone County, Missouri 65203, as a member of the Missouri Community Service Commission, for a term ending December 15, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 23, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard D. James, D.C., 10 Stone Meadow Court, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Missouri Acupuncturist Advisory Committee, for a term ending December 10, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 23, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Wayne L. Kindle, 408 Northeast Sapphire Lane, Lees Summit, Jackson County, Missouri 64064, as a member of the Board of Cosmetology and Barber Examiners, for a term ending May 1, 2011, and until his successor is duly appointed and qualified; vice, RSMo 329.015.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 23, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joann M. Leykam, 3225 Principia Avenue, Saint Charles, Saint Charles County, Missouri 63301, as a member of the Mental Health

Commission, for a term ending June 28, 2011, and until her successor is duly appointed and qualified; vice, Larry Jones, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 23, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kenneth G. McGhee, 1532 Langholm Drive, Florissant, Saint Louis County, Missouri 63031, as a member of the Board of Private Investigator Examiners, for a term ending March 4, 2011, and until his successor is duly appointed and qualified; vice, RSMo 324.1102.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 23, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lois B. Kramer-Owens, Republican, 252 Whispering Cove Drive, Camdenton, Camden County, Missouri 65020, as a member of the State Committee of Dietitians, for a term ending June 11, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 23, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Fred R. Schoen, 17187 Highway H, Monett, Lawrence County, Missouri 65708, as a member of the Well Installation Board, for a term ending February 24, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 23, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Garry E. Taylor, 979 Diamond Ridge, Jefferson City, Cole County, Missouri 65109, as a member of the Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

INTRODUCTIONS OF GUESTS

Senator Graham introduced to the Senate, Superintendent Richard Davis, Class 2A Coach of the Year Steve Combs and members of the Class 2A State Champion Harrisburg High School boys basketball team.

Senator Graham introduced to the Senate, fourth grade students from Northeast R-IV School, Cairo.

Senator Barnitz introduced to the Senate, Richard LaBrash, Salem; Dr. Jerry Plunkett, Edie Krull and Julie Gray, Dixon; George Sturmon, Sullivan; Mark Manley, Warrensburg; Virgil Flanigan and John Havens, Rolla; and Matt Copper, Jadwin.

Senator Champion introduced to the Senate, Lynn Vogel and twenty-nine eighth grade students from St. Agnes Elementary School, Springfield.

Senator Scott introduced to the Senate, Pat O'Neal and eighth grade students from Wheatland Elementary School.

Senator Champion introduced to the Senate, teachers and sixty-two fourth grade students from Horace Mann Elementary School, Springfield.

Senator Dempsey introduced to the Senate, teachers, parents and fourth grade students from Academy of the Sacred Heart, St Charles; and Courtney Hughes, Amanda Miles, Kaeli Riggs and Trevor Shockley were made honorary pages.

Senator Lager introduced to the Senate, Bruce Twaddle and Brian Vierthaler, Maryville; James Hobbs, Plattsburg; David Neal and Dillon and Carla Harp, Chillicothe; and Doug Wyckoff, Cameron.

Senator Bray introduced to the Senate, Judy Neely, Jason Griffin, Amber Wolk and fifty fourth grade students from Drummund Elementary School, St. Ann.

On behalf of Senator Bray and himself, Senator Kennedy introduced to the Senate, Missouri 2008 National Distinguished Principal Donna Jahnke, Faye Peters, Richard and Carol Jahnke, Babe Yates, Clela Pouppart and Sara Stokes, St. Louis.

Senator Goodman introduced to the Senate, his mother, Joyce Goodman, Pierce City.

On behalf of Senator Mayer, the President introduced to the Senate, Whitney Taylor, Tanita Steely, Hunter and Hannah Mathis, Joy and Chris Ward, Caleb Johns, Elizabeth Twaddell, Ethan Jackson and Kelly and Delaney Flowers, Dexter.

Senator Lager introduced to the Senate, members of Northwest Region Satellite Academy.

Senator Loudon introduced to the Senate, Jill Klinginsmith, Carthage.

On motion of Senator Goodman, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SEVENTH DAY—THURSDAY, APRIL 24, 2008

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)
SCS for SB 1172-Goodman

SCS for SB 1040-Clemens
SS for SB 817-Goodman
SJR 45-Clemens

SENATE BILLS FOR PERFECTION

SB 1245-Nodler

SB 877-Mayer

HOUSE BILLS ON THIRD READING

1. HB 1661-LeVota, et al (Ridgeway)
2. HCS for HB 1779, with SCS (Griesheimer)
3. HCS for HB 1619, with SCS (Champion)
(In Fiscal Oversight)
4. HB 1384 & HB 2157-Cox, et al, with SCS
(Gibbons)
5. HCS for HB 2104, HB 1574, HB 1706,
HCS for HB 1774, HB 2055 & HCS for
HB 2056, with SCS

6. HCS for HJR 55
7. HB 1937-Pearce, et al, with SCS
8. HB 2224-Jones (117), et al, with SCS
(Griesheimer)
9. HB 1711-Weter, et al, with SCS (Clemens)
10. HB 1970-Wasson (Scott)
11. HCS for HB 1763 (Engler)
12. HCS for HB 2068 (Scott)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS
SB 713-Gibbons, with SCS
SB 716-Loudon, et al
SB 717-Kennedy and Shields
SB 729-Griesheimer, with SCS
SB 749-Ridgeway, with SCS
SB 756-Engler and Rupp, with SCS (pending)

SB 776-Justus and Koster, with SCS
SB 809-Stouffer, with SCS, SS for SCS & SA 1
(pending)
SB 811-Stouffer, with SCS, SA 1 &
point of order (pending)
SB 815-Goodman
SB 821-Shoemyer, with SCS (pending)

SBs 840 & 857-Engler, with SCS & SS for SCS (pending)	SB 1052-Rupp
SB 861-Shoemyer, with SCS	SB 1054-Dempsey, with SCS
SB 865-Rupp and Gibbons, with SCS	SB 1057-Scott, with SCS
SB 874-Graham, with SCS	SB 1058-Mayer
SB 881-Green	SB 1067-Ridgeway, et al
SB 904-Griesheimer, with SCS	SB 1077-Goodman, with SS (pending)
SBs 909, 954, 934 & 1003-Engler, with SCS	SB 1093-Loudon, et al
SB 915-Ridgeway	SB 1094-Loudon, with SCS
SB 917-Goodman, et al	SB 1099-Graham, with SA 1 (pending)
SB 929-Green and Callahan, with SCS	SB 1101-Bray, et al
SB 957-Goodman	SB 1103-Gibbons
SBs 982, 834 & 819-Purgason, with SCS	SB 1138-McKenna, with SCS
SB 990-Champion	SB 1158-Mayer, with SCS
SBs 993 & 770-Crowell, with SCS, SS for SCS, SA 4 & SSA 1 for SA 4 (pending)	SB 1164-Loudon
SB 996-Crowell, with SCS	SB 1170-Mayer, with SCS
SB 997-Crowell	SB 1180-Crowell
SB 1000-Justus	SB 1183-Bray, with SCS
SB 1007-Loudon, with SA 2 (pending)	SB 1197-Crowell
SBs 1021 & 870-Loudon, et al, with SCS, SS for SCS, SA 1 & SSA 1 for SA 1 (pending)	SBs 1234 & 1270-Shields, with SCS & SS#2 for SCS (pending)
SB 1035-Scott, with SCS	SB 1240-Dempsey
SB 1046-Mayer, with SA 1 & SSA 1 for SA 1 (pending)	SB 1244-Barnitz and Purgason
	SB 1275-Vogel
	SB 1278-Shields
	SJR 43-Loudon

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)	HCS for HB 2048, with SCS (Engler)
HB 1670-Cooper (120) (Dempsey)	HB 2213-Kraus, et al (Shields)
HB 1828-Sutherland (Vogel)	HB 1422-St. Onge, et al, with SCS (Stouffer)
HCS for HB 1804, with SCS (Days)	HB 1354-Wilson (119), et al (Scott)
HB 2047-Curls, et al, with SCS (Callahan)	HCS for HB 1575 (Vogel)
HB 1410-Flook, et al (Ridgeway)	HB 1952-Loehner, et al (Barnitz)
HCS for HB 1888 (Clemens)	HB 1887-Parson (Scott)
HB 1368-Thomson (Lager)	HCS for HB 2360 (Lager)
HCS for HB 1807, with SCS (Mayer)	HB 1311-Hoskins, with SCS (Engler)
HB 1869-Wilson (130), et al (Goodman)	HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin (Ridgeway)	HB 1419-Portwood (Loudon)
HB 2065-Wasson, with SCS (Scott)	HB 1791-Cooper (155), et al (Barnitz)
HB 1450-Roorda, et al, with SCS (McKenna)	HB 1689-Wilson (130), with SCS (Scott)
HB 2233-Page, et al (Shields)	HCS for HB 1690, with SCS (Scott)

Reported 4/15

HCS for HB 1380 (Goodman)	HB 1710-Flook (Ridgeway)
HCS for HB 2036 (Stouffer)	HCS for HB 1783 (Engler)
HB 1946-Franz, with SCS (Champion)	HB 1784-Meadows, et al (McKenna)
HB 1849-Pratt and Curls (Justus)	HB 1313-Wright, et al (Mayer)
HB 1640-Schoeller, et al, with SCS (Goodman)	HCS for HB 1893 (Dempsey)
HB 1570-Franz, with SCS (Champion)	HB 1881-Schlottach (Kennedy)
HB 1469-Pratt (Goodman)	

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2002, with SCS (Nodler)	HCS for HB 2008, with SCS (Nodler)
HCS for HB 2003, with SCS (Nodler)	HCS for HB 2009, with SCS (Nodler)
HB 2004, with SCS (Nodler)	HCS for HB 2010, with SCS (Nodler)
HCS for HB 2005, with SCS (Nodler)	HCS for HB 2011, with SCS (Nodler)
HCS for HB 2006, with SCS (Nodler)	HCS for HB 2012, with SCS (Nodler)
HCS for HB 2007, with SCS (Nodler)	HCS for HB 2013, with SCS (Nodler)

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Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SEVENTH DAY—THURSDAY, APRIL 24, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Love has nothing to do with what you are expecting to get, it’s what you are expected to give—which is everything.” (Unknown)

Loving Lord, as we complete another week we are mindful of what You have yet for us to do and the time away from loved ones seems to have a multiplying factor on our lives. Bless us and guide us to prioritize our work and do what You desire for us to complete and help us to understand the pressures on our loved ones when we are away and be there for them when we are home. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—32

Absent—Senators—None

Absent with leave—Senators

Graham Smith—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 2479, regarding Joseph A. Lakin, which was adopted.

Senator Purgason offered Senate Resolution No. 2480, regarding Katie Thompson, which was adopted.

Senator McKenna offered Senate Resolution No. 2481, regarding William “Billyo” O’Donnell, Eureka, which was adopted.

Senator Goodman offered Senate Resolution No. 2482, regarding Donald Mason, Branson, which was adopted.

Senator Goodman offered Senate Resolution No. 2483, regarding Janice Sims, which was adopted.

Senator Stouffer offered Senate Resolution No. 2484, regarding Concordia Park, Concordia, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Nodler moved that **SB 1245** be taken up for perfection, which motion prevailed.

Senator Shields assumed the Chair.

On motion of Senator Nodler, **SB 1245** was declared perfected and ordered printed.

Senator Rupp assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Richard L. Dawe and Cheryl L. Thurston, as members of the Missouri Workforce Investment Board;
Also,

Judith E. Pastorino, as a member of the Advisory Commission for Physical Therapists;
Also,

Toni R. Schwartz, Republican, as a member of the Linn State Technical College Board of Regents;
Also,

Dillon L. Harp, as student representative of the Missouri Western State University Board of Governors;
Also,

Douglas A. Wyckoff, Democrat, as a member of the Northwest Missouri State University Board of Regents;

Also,

Elizabeth H. Bradbury, Democrat, as a member of the Missouri State University Board of Governors;

Also,

George C. Sumter, as student representative of the Truman State University Board of Governors;

Also,

Michael D. Geske, Republican, as a member of the Missouri Alternative Fuels Commission;

Also,

John L. Bognar, as a member of the Board of Geologist Registration;

Also,

Angela N. Stiffler, Republican, as a member of the Missouri Community Service Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following report, which was read:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of John W. McCulloch, Republican, as a member of the State Board of Embalmers and Funeral Directors, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Vogel moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 1021** and **SB 870**, with **SCS, SS** for **SCS, SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 1** was again taken up.

Senator Loudon offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1021 and 870, Page 14, Section 324.1239, Line 4, by inserting after all of said line the following:

“6. Licensed professional midwives shall be required to retain patient records for a period of six years and keep such records confidential consistent with the provisions of the federal Health Insurance Portability and Accountability Act, as amended.”; and

Further renumber the remaining subsections accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

SSA 1 for **SA 1**, as amended, was again taken up.

Senator Ridgeway offered **SA 2** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1021 and 870, Page 4, Lines 26-27 of said amendment, by striking said lines; and

Further amend said amendment, page 5, Lines 1 to 29, by striking all of said lines; and

Further amend said amendment, page 6, Lines 1 to 29, by striking all of said lines; and

Further amend said amendment, page 7, Lines 1 to 25, by striking all of said lines.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

SSA 1 for **SA 1**, as amended, was again taken up.

Senator Loudon moved that the above substitute amendment be adopted, which motion prevailed.

Senator Shields offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1021 and 870, Page 14, Section 324.1240, Line 22, by inserting immediately after the word “childbirth” the following: “, **or within forty-eight hours after childbirth**,”; and further amend line 26 by striking the words “negligence or”.

Senator Shields moved that the above amendment be adopted.

At the request of Senator Loudon, **SB 1021** and **SB 870**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), were placed on the Informal Calendar.

Senator Scott assumed the Chair.

Senator Rupp moved that **SB 865**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 865**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 865

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to prohibiting discrimination in life insurance based upon lawful travel destinations, with penalty provisions.

Was taken up.

Senator Rupp moved that **SCS** for **SB 865** be adopted.

Senator Loudon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 865, Page 1, Section A, Line 2, by inserting immediately after said line the following:

“143.141. If federal taxable income of a resident individual is determined by itemizing deductions from his federal adjusted gross income, he may elect to deduct his Missouri itemized deduction in lieu of his Missouri standard deduction. The Missouri itemized deduction of a resident individual means the allowable federal itemized deductions which consist of allowable federal deductions other than those allowable in arriving at federal adjusted gross income and other than the federal deductions for personal and dependency exemptions, with the following modifications:

(1) Reduced by the proportional amount thereof representing the tax imposed by sections 143.011 to 143.998;

(2) Reduced by the proportional amount thereof representing any income taxes imposed by another state of the United States or a political subdivision thereof or the District of Columbia;

(3) Increased by the fair market value of a literary, musical, scholarly, or artistic composition contributed to any tax exempt agency or institution which is operated on a not-for-profit basis by any taxpayer whose personal efforts created such composition less the amount deducted from federal adjusted gross income attributable to such contribution. The fair market value of such literary, musical, scholarly or artistic composition shall be determined by written appraisal of the property by a person qualified to make such an appraisal other than the taxpayer, the donee, or any “related taxpayer” within the meaning of such term as defined by sections 267(b) and 1313(c) of the Internal Revenue Code, as amended. The appraisal shall be made within one year of the date of the donation and attached to the taxpayer's income tax return;

(4) Increased to the extent not otherwise deductible, by the taxes for the same taxable year for which the return is being filed that are imposed by the following provisions of the Internal Revenue Code:

(a) Section 3101, relating to the tax on employees under the Federal Insurance Contributions Act;

(b) Sections 3201 and 3211, relating to the taxes on railroad employees and railroad employee representatives under the Railroad Retirement Tax Act;

(c) Section 1401, relating to tax on self-employment income, to the extent that such taxes were not deducted in the computation of the taxpayer's federal adjusted gross income under the Internal Revenue Code of 1986, as amended;

(5) Increased by the amount paid for the premium for a life insurance policy, the sole beneficiary of which is:

(a) A trust provided under the provisions of 42 U.S.C. Section 1396p(d)(4)(A); and

(b) A “resident trust” as defined by section 143.331 at the time in which the policy is issued and during the coverage period to which the premium amount is applied.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Rupp moved that **SCS for SB 865**, as amended, be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS for SB 865**, as amended, was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS**SCS for SB 1172**, entitled:SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1172

An Act to repeal sections 571.010, 571.020, and 571.070, RSMo, and to enact in lieu thereof three new sections relating to weapons, with penalty provisions.

Was taken up by Senator Goodman.

On motion of Senator Goodman, **SCS for SB 1172** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Coleman	Days	Dempsey
Engler	Gibbons	Goodman	Green	Griesheimer	Justus	Kennedy	Lager
Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson—29			

NAYS—Senator Champion—1

Absent—Senators

Crowell	Koster—2
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Absent with leave—Senators

Graham	Smith—2
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Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 1040, entitled:SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1040

An Act to repeal section 644.570, as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, and section 644.570, as enacted by house substitute for house committee substitute for senate substitute for senate committee substitute for senate bills nos. 160 & 82, ninetieth general assembly, first regular session, and to enact in lieu thereof one new section relating to storm water control assistance, with a contingent effective date.

Was taken up by Senator Clemens.

On motion of Senator Clemens, **SCS** for **SB 1040** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Days
Dempsey	Engler	Gibbons	Goodman	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Crowell—1

Absent with leave—Senators

Graham Smith—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SB 817**, introduced by Senator Goodman, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 817

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to anatomic pathology services.

Was taken up.

On motion of Senator Goodman, **SS** for **SB 817** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bray	Callahan	Clemens	Coleman	Days	Dempsey	Engler	Gibbons
Goodman	Griesheimer	Justus	Kennedy	Koster	Lager	Loudon	McKenna
Nodler	Scott	Shields	Shoemyer	Vogel	Wilson—22		

NAYS—Senators

Barnitz	Bartle	Champion	Crowell	Mayer	Purgason	Ridgeway	Stouffer—8
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Absent—Senators

Green Rupp—2

Absent with leave—Senators

Graham Smith—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SJR 45, introduced by Senator Clemens, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 37 (h) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to storm water control assistance.

Was taken up.

On motion of Senator Clemens, **SJR 45** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Green Rupp—2

Absent with leave—Senators

Graham Smith—2

Vacancies—None

The President declared the joint resolution passed.

On motion of Senator Clemens, title to the joint resolution was agreed to.

Senator Clemens moved that the vote by which the joint resolution passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 1341**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1617**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 1715**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 2226**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 2393**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **HB 1656**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1983**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1194**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HB 1973**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HB 1678**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mayer, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HBs 1876** and **1877**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **HCS** for **HB 2188**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 1532**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 1393**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 1245**; **SCS** for **SBs 1181, 1100, 1262** and **1263**; **SS** for **SCS** for **SB 738**; and **SS** for **SCS** for **SB 1283**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SCS** for **SBs 1181, 1100, 1262** and **1263** and **SS** for **SCS** for **SB 1283** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1383**, entitled:

An Act to amend chapter 537, RSMo, by adding thereto three new sections relating to business premises safety.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1626**, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to public assistance

for illegal immigrants.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2059**, entitled:

An Act to repeal section 295.070, RSMo, and to enact in lieu thereof twenty new sections relating to professional relationships between teachers and school districts, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Crowell introduced to the Senate, Janet Heady, Cape Girardeau.

Senator Crowell introduced to the Senate, fourth grade students from Alma Schrader Elementary School, Cape Girardeau.

Senator Shoemyer introduced to the Senate, Darl Davis and members of NEMO Leadership Academy.

Senator Rupp introduced to the Senate, his children Scott T. Rupp, Jr. and Noelle, Wentzville; and Scott and Noelle were made honorary pages.

Senator Lager introduced to the Senate, Coaches Tim Jermain and Tyler Pedersen and Doug Archer, Kevin Moffat, Craig Mattson, Kyle Schieber, Tanner Dowis, Clint Farnan, Ryan McQuinn, Andy Chor, Gilbert Henry, Kellan Farnan, Adam Holtman, Jacob Stoll, Troy McQuinn, Norbert Henry, Colton Holtman and Garrett Meyer, members of the Class 1A State Champion Jefferson High School boys basketball team, Conception Junction.

Senator Shoemyer introduced to the Senate, Pam Reinhart and Kristie Jones and fourth grade students from Holliday Elementary School.

Senator Goodman introduced to the Senate, Home Schoolers from McDonald County; and Robert and Emily Tegland, Daniel Fleischer, Cody and Tell Ross, and Sheleah and Titus McCully were made honorary pages.

Senator Crowell introduced to the Senate, fourth grade students from Blanchard Elementary School, Cape Girardeau.

Senator Dempsey introduced to the Senate, fourth grade students from Monroe Elementary School, St. Charles.

Senator Engler introduced to the Senate, students from Grandview Elementary School, Jefferson County.

Senator Vogel introduced to the Senate, Brady Didion, Columbia.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, April 28, 2008.

SENATE CALENDAR

FIFTY-EIGHTH DAY—MONDAY, APRIL 28, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1383
HCS for HB 1626

HCS for HB 2059

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)
SB 1245-Nodler
SCS for SBs 1181, 1100, 1262 &
1263-Engler (In Fiscal Oversight)

SS for SCS for SB 738-Nodler
SS for SCS for SB 1283-Dempsey
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 877-Mayer

SB 1194-Goodman

HOUSE BILLS ON THIRD READING

1. HB 1661-LeVota, et al (Ridgeway)
2. HCS for HB 1779, with SCS (Griesheimer)
3. HCS for HB 1619, with SCS (Champion)
(In Fiscal Oversight)
4. HB 1384 & HB 2157-Cox, et al, with
SCS (Gibbons)
5. HCS for HB 2104, HB 1574, HB 1706,
HCS for HB 1774, HB 2055 & HCS for
HB 2056, with SCS
6. HCS for HJR 55
7. HB 1937-Pearce, et al, with SCS (Scott)
8. HB 2224-Jones (117), et al, with SCS
(Griesheimer)
9. HB 1711-Weter, et al, with SCS (Clemens)
10. HB 1970-Wasson (Scott)
11. HCS for HB 1763 (Engler)

12. HCS for HB 2068 (Scott)
13. HCS for HB 1341
14. HB 1617-Cunningham (86), et al (Dempsey)
15. HCS for HB 1715, with SCS
16. HB 2226-Muschany (Rupp)
17. HCS for HB 2393, with SCS
18. HB 1656-Nance and Cooper (120), with
SCS (Stouffer)
19. HB 1983-Pratt, with SCS (Goodman)
20. HB 1973-Franz, with SCS (Crowell)
21. HB 1678-Day, et al (Stouffer)
22. HCS for HBs 1876 & 1877, with SCS
(Mayer)
23. HCS for HB 2188, with SCS
24. HB 1532-Davis, with SCS (Rupp)
25. HCS for HB 1393

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS	SB 1000-Justus
SB 713-Gibbons, with SCS	SB 1007-Loudon, with SA 2 (pending)
SB 716-Loudon, et al	SBs 1021 & 870-Loudon, et al, with SCS,
SB 717-Kennedy and Shields	SS for SCS & SA 2 (pending)
SB 729-Griesheimer, with SCS	SB 1035-Scott, with SCS
SB 749-Ridgeway, with SCS	SB 1046-Mayer, with SA 1 & SSA 1 for SA 1
SB 756-Engler and Rupp, with SCS (pending)	(pending)
SB 776-Justus and Koster, with SCS	SB 1052-Rupp
SB 809-Stouffer, with SCS, SS for SCS &	SB 1054-Dempsey, with SCS
SA 1 (pending)	SB 1057-Scott, with SCS
SB 811-Stouffer, with SCS, SA 1 & point	SB 1058-Mayer
of order (pending)	SB 1067-Ridgeway, et al
SB 815-Goodman	SB 1077-Goodman, with SS (pending)
SB 821-Shoemyer, with SCS (pending)	SB 1093-Loudon, et al
SBs 840 & 857-Engler, with SCS & SS for	SB 1094-Loudon, with SCS
SCS (pending)	SB 1099-Graham, with SA 1 (pending)
SB 861-Shoemyer, with SCS	SB 1101-Bray, et al
SB 874-Graham, with SCS	SB 1103-Gibbons
SB 881-Green	SB 1138-McKenna, with SCS
SB 904-Griesheimer, with SCS	SB 1158-Mayer, with SCS
SBs 909, 954, 934 & 1003-Engler, with SCS	SB 1164-Loudon
SB 915-Ridgeway	SB 1170-Mayer, with SCS
SB 917-Goodman, et al	SB 1180-Crowell
SB 929-Green and Callahan, with SCS	SB 1183-Bray, with SCS
SB 957-Goodman	SB 1197-Crowell
SBs 982, 834 & 819-Purgason, with SCS	SBs 1234 & 1270-Shields, with SCS & SS#2
SB 990-Champion	for SCS (pending)
SBs 993 & 770-Crowell, with SCS, SS for	SB 1240-Dempsey
SCS, SA 4 & SSA 1 for SA 4 (pending)	SB 1244-Barnitz and Purgason
SB 996-Crowell, with SCS	SB 1275-Vogel
SB 997-Crowell	SB 1278-Shields
	SJR 43-Loudon

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)

HB 1670-Cooper (120) (Dempsey)

HB 1828-Sutherland (Vogel)
HCS for HB 1804, with SCS (Days)
HB 2047-Curls, et al, with SCS (Callahan)
HB 1410-Flook, et al (Ridgeway)
HCS for HB 1888 (Clemens)
HB 1368-Thomson (Lager)
HCS for HB 1807, with SCS (Mayer)
HB 1869-Wilson (130), et al (Goodman)
HCS for HB 2048, with SCS (Engler)

HB 2213-Kraus, et al (Shields)
HB 1422-St. Onge, et al, with SCS (Stouffer)
HB 1354-Wilson (119), et al (Scott)
HCS for HB 1575 (Vogel)
HB 1952-Loehner, et al (Barnitz)
HB 1887-Parson (Scott)
HCS for HB 2360 (Lager)
HB 1311-Hoskins, with SCS (Engler)
HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin (Ridgeway)
HB 2065-Wasson, with SCS (Scott)
HB 1450-Roord, et al, with SCS (McKenna)
HB 2233-Page, et al (Shields)

HB 1419-Portwood (Loudon)
HB 1791-Cooper (155), et al (Barnitz)
HB 1689-Wilson (130), with SCS (Scott)
HCS for HB 1690, with SCS (Scott)

Reported 4/15

HCS for HB 1380 (Goodman)
HCS for HB 2036 (Stouffer)
HB 1946-Franz, with SCS (Champion)
HB 1849-Pratt and Curls (Justus)
HB 1640-Schoeller, et al, with SCS (Goodman)
HB 1570-Franz, with SCS (Champion)
HB 1469-Pratt (Goodman)

HB 1710-Flook (Ridgeway)
HCS for HB 1783 (Engler)
HB 1784-Meadows, et al (McKenna)
HB 1313-Wright, et al (Mayer)
HCS for HB 1893 (Dempsey)
HB 1881-Schlottach (Kennedy)

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2002, with SCS (Nodler)
HCS for HB 2003, with SCS (Nodler)
HB 2004, with SCS (Nodler)
HCS for HB 2005, with SCS (Nodler)
HCS for HB 2006, with SCS (Nodler)
HCS for HB 2007, with SCS (Nodler)

HCS for HB 2008, with SCS (Nodler)
HCS for HB 2009, with SCS (Nodler)
HCS for HB 2010, with SCS (Nodler)
HCS for HB 2011, with SCS (Nodler)
HCS for HB 2012, with SCS (Nodler)
HCS for HB 2013, with SCS (Nodler)

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Journal of the Senate

SECOND REGULAR SESSION

FIFTY-EIGHTH DAY—MONDAY, APRIL 28, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Make it a practice to judge a person and things in the most favorable light at all times, in all circumstances.” (St. Vincent de Paul)

Gracious Lord, as we begin a new week let us be discerning in all that comes before us, whether it be people of varied backgrounds or bills we must come to understand and make a decision about or our policies that are reflected in what and who are winners and losers in such a competitive arena. In all things let us follow the path You desire for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 24, 2008 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

The Senate observed a moment of silence in memory of those who have lost their lives in the workplace.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 2485, regarding Debbie Chapman, which was adopted.

Senator Stouffer offered Senate Resolution No. 2486, regarding Tonnie Ball, which was adopted.

Senator Stouffer offered Senate Resolution No. 2487, regarding Linda Wright, which was adopted.

Senator Stouffer offered Senate Resolution No. 2488, regarding Debra George, which was adopted.

Senator Coleman offered Senate Resolution No. 2489, regarding Cynthia J. “Cindy” Brinkley, which was adopted.

Senator Engler offered Senate Resolution No. 2490, regarding Rev. John H. Schneider, Bonne Terre, which was adopted.

Senators Crowell, Mayer, Smith and McKenna offered Senate Resolution No. 2491, regarding Jim’s Bar and Grill, Tebbetts, which was adopted.

Senator Goodman offered Senate Resolution No. 2492, regarding the College of the Ozarks Lady Bobcats Basketball Team, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2493, regarding Mt. Zion Baptist Church and the Community Life Center, Edgerton, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2494, regarding Brian Cleek, Liberty, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2495, regarding A. J. Foy, Liberty, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2496, regarding Stanton Ragland, Liberty, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2497, regarding Aaron Sternecker, Liberty, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2498, regarding Jamie Thomas, Liberty, which was adopted.

Senator Crowell offered Senate Resolution No. 2499, regarding Leopold High School, which was adopted.

Senator Shields offered Senate Resolution No. 2500, regarding Laurel Burton, Clarksdale, which was adopted.

Senator Graham offered Senate Resolution No. 2501, regarding Tom Pauley, which was adopted.

Senator Lager offered Senate Resolution No. 2502, regarding the Ninetieth Birthday of Lucille O’Riley, Maryville, which was adopted.

Senator Gibbons offered Senate Resolution No. 2503, regarding Sarah Schwegel, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 2504, regarding the Bayless High School clothing classes, which was adopted.

Senator Crowell offered Senate Resolution No. 2505, regarding Burch Food Services, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 2506, regarding the Sikeston Area Humane Society, which was adopted.

Senator Crowell offered Senate Resolution No. 2507, regarding Ultimate Flooring, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 2508, regarding the Missouri State Highway Patrol Major Crash Investigation Team, which was adopted.

Senator Crowell offered Senate Resolution No. 2509, regarding Terry Cole, which was adopted.

Senator Crowell offered Senate Resolution No. 2510, regarding Monique Rice, which was adopted.

Senator Crowell offered Senate Resolution No. 2511, regarding Kathy Medley, which was adopted.

Senator Crowell offered Senate Resolution No. 2512, regarding Marsha Norton, which was adopted.

Senator Crowell offered Senate Resolution No. 2513, regarding Corey McNew, which was adopted.

Senator Crowell offered Senate Resolution No. 2514, regarding John Harper, which was adopted.

Senator Clemens offered Senate Resolution No. 2515, regarding Lee John Viorel, IV, Springfield, which was adopted.

Senator Days offered Senate Resolution No. 2516, regarding the Eightieth Birthday of Williamae Smith, St. Louis, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2517, regarding the South Shelby High School Basketball Lady Birds, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2518, regarding Jean Hines, Sullivan, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2519, regarding Ernest Hagar, Warrenton, which was adopted.

REFERRALS

President Pro Tem Gibbons referred **HB 1678** and **HCS** for **HB 2393**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 865**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 1283**; **HCS** for **HB 1619**, with **SCS**; and **SCS** for **SBs 1181, 1100, 1262** and **1263**, begs leave to report that it has considered the same and recommends that the bills do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2034**, entitled:

An Act to repeal section 537.294, RSMo, and to enact in lieu thereof three new sections relating to firearm ranges and hunting preserves.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2016**, entitled:

An Act to appropriate money for capital improvement and other purposes for several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2008 and ending June 30, 2009.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2023**, entitled:

An Act to appropriate money for planning, expenses, and for capital improvements including, but not limited to, major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2250**, entitled:

An Act to amend chapter 144, RSMo, by adding thereto two new sections relating to sales tax holidays, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1788** and **1882**, entitled:

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to exempting military pensions from income tax.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1813**, entitled:

An Act to repeal sections 313.055 and 313.057, RSMo, and to enact in lieu thereof one new section relating to the repeal of certain taxes on licensed gaming activities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2060**, entitled:

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to minimum pay for certain corrections employees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1700**, entitled:

An Act to repeal sections 144.011, 326.256, 326.283, 326.289, 326.292, 334.500, 334.506, 334.530, 334.540, 334.550, 334.560, 334.570, 334.610, 334.650, 334.655, 334.660, 334.665, 334.670, 334.675, 335.076, 338.132, 339.010, 339.150, 700.010, 700.045, 700.056, 700.065, 700.070, 700.090, 700.100, 700.115, 700.450, 700.455, 700.460, 700.465, 700.470, 700.525, and 700.650, RSMo, and to enact in lieu thereof fifty-one new sections relating to professional registration, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HB 1756**, entitled:

An Act to repeal section 570.103, RSMo, and to enact in lieu thereof one new section relating to counterfeiting, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 2062** and **1518**, entitled:

An Act to repeal sections 41.1010, 42.007, 115.277, 160.053, 168.021, 170.011, and 620.515, RSMo, and to enact in lieu thereof fifteen new sections relating to members of the military and their families, with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2266**, entitled:

An Act to repeal section 168.700, RSMo, and to enact in lieu thereof one new section relating to the Missouri teaching fellows program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2114**, entitled:

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to ballots.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2279**, entitled:

An Act to repeal sections 393.275, 407.300, 537.340, 660.115 and 660.135, RSMo, and to enact in lieu thereof thirteen new sections relating to utilities, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1516**, entitled:

An Act to repeal sections 192.667, 192.925, 197.150, 197.500, 198.006, 198.070, 198.074, 198.075, 198.090, 198.532, 208.152, 208.819, 208.909, 208.912, 208.915, 210.305, 210.565, 210.900, 210.906, 210.933, 565.180, 565.182, 565.184, 565.188, 565.200, 660.010, 660.050, 660.053, 660.054, 660.055, 660.057, 660.058, 660.060, 660.062, 660.067, 660.069, 660.070, 660.099, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, 660.400, 660.403, 660.405, 660.407, 660.409, 660.411, 660.414, 660.416, 660.418, 660.420, 660.512, 660.600, 660.603, 660.605, 660.608, 660.620, 660.625, and 660.725, RSMo, and to enact in lieu thereof sixty-nine new sections relating to protections for senior citizens, disabled persons, and children, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2590**, entitled:

An Act to repeal sections 105.711 and 537.600, RSMo, and to enact in lieu thereof two new sections relating to prohibiting the waiver of sovereign immunity for inmates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2202**, entitled:

An Act to amend chapter 36, RSMo, by adding thereto one new section relating to hazardous duty pay for certain corrections personnel.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1704**, entitled:

An Act to repeal section 163.044, RSMo, and to enact in lieu thereof one new section relating to grants for small schools.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2078**, entitled:

An Act to repeal sections 302.060 and 302.171, RSMo, and to enact in lieu thereof three new sections relating to driver's licenses, with penalty provisions and an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 24, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Peter Wayne Goode, 7231 Winchester Drive, Pasadena Hills, Saint Louis County, Missouri 63121, as a member of the Second State Capitol Commission, for a term ending April 18, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 24, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Brian C. Jamison, Republican, 5208 Thornbrook Parkway, Columbia, Boone County, Missouri 65203, as a member of the Board of Probation and Parole, for a term ending August 28, 2012, and until his successor is duly appointed and qualified; vice, Joseph Knodell, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 24, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Erick V. Kern, Republican, 14755 Chermore Drive, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 2011, and until his successor is duly appointed and qualified; vice, Michael Manier, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 24, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Randall B. Miltenberger, 1414 West Adams Avenue, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending September 30, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 24, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Roger L. Mitchell, 502 West Lathrop Road, Columbia, Boone County, Missouri 65203, as a member of the Life Sciences Research Board, for a term ending April 8, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 24, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Helen R. Washburn, Democrat, 1908 Hatton Drive, Columbia, Boone County, Missouri 65203, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2009, and until her successor is duly appointed and qualified; vice, Martha Boswell, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 24, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Clyde L. Williams, Democrat, 522 E. Eastwood, Marshall, Saline County, Missouri 65340, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2012, and until his successor is duly appointed and qualified; vice, Susan Pentlin, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 25, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mary Beth Luna Wolf, Republican, 6256 Nottingham Avenue, Apartment 1E, Saint Louis City, Missouri 63109, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2012, and until her successor is duly appointed and qualified; vice, Diana Bourisaw, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 28, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James G. Avery, Jr., 9714 Big Bend Boulevard, Saint Louis, Saint Louis County, Missouri 63122, as Chairman of the State Board of Mediation, for a term ending April 1, 2011, and until his successor is duly appointed and qualified; vice, John Birch, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 26, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gregory M. Brown, Republican, 220 Haas Road, Eureka, Jefferson County, Missouri 63025, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 28, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Bradley D. Freeman, Democrat, 9 Ladue Forest, Saint Louis, Saint Louis County, Missouri 63124, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2011, and until his successor is duly appointed and qualified; vice, Richard Schooler, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 28, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Thomas E. Pinegar, 5308 South Kissick, Springfield, Greene County, Missouri 65804, as a member of the Life Sciences Research Board, for a term ending April 8, 2012 and until his successor is duly appointed and qualified; vice, Richard Johnson, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 28, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Edward S. Stevens, 236 West 54th, Kansas City, Jackson County, Missouri 64112, as a member of the Life Sciences Research Board, for a term ending April 8, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

HOUSE BILLS ON THIRD READING

HB 1661 was placed on the Informal Calendar.

HCS for **HB 1779**, with **SCS**, entitled:

An Act to repeal sections 386.020, 392.200, 392.220, 392.230, 392.245, 392.361, 392.370, 392.420,

392.450, 392.451, 392.480, 392.490, 392.510, 392.515, and 392.520, RSMo, and to enact in lieu thereof fourteen new sections relating to telecommunications services.

Was taken up by Senator Griesheimer.

SCS for HCS for HB 1779, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1779

An Act to repeal sections 319.015, 319.022, 319.024, 319.025, 319.026, 319.030, 319.036, 319.037, 319.041, 319.045, 319.050, 386.020, 392.200, 392.220, 392.230, 392.245, 392.361, 392.370, 392.420, 392.450, 392.451, 392.480, 392.490, 392.510, 392.515, and 392.520, RSMo, and to enact in lieu thereof twenty-seven new sections relating to utility service provision, with an effective date for certain sections.

Was taken up.

Senator Griesheimer moved that **SCS for HCS for HB 1779** be adopted.

Senator Griesheimer offered **SS for SCS for HCS for HB 1779**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1779

An Act to repeal sections 319.015, 319.022, 319.024, 319.025, 319.026, 319.030, 319.036, 319.037, 319.041, 319.045, 319.050, 386.020, 392.200, 392.220, 392.230, 392.245, 392.361, 392.370, 392.420, 392.450, 392.451, 392.480, 392.490, 392.510, 392.515, and 392.520, RSMo, and to enact in lieu thereof twenty-seven new sections relating to utility service provision, with an effective date for certain sections.

Senator Griesheimer moved that **SS for SCS for HCS for HB 1779** be adopted.

Senator Nodler assumed the Chair.

Senator Griesheimer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1779, Page 7, Section 319.015, Line 21 of said page, by inserting immediately after all of said line the following:

“319.016. Notwithstanding any provision of sections 319.010 to 319.050 to the contrary, the state highways and transportation commission shall not be required to be a notification center participant after December 31, 2011, but nothing in this section shall prohibit the commission from voluntarily choosing to be a notification center participant after that date.”; and

Further amend said bill and page, section 319.022, line 26 of said page, by inserting immediately after “facility.” the following: **“Except as provided in section 319.016,”**; and

Further amend said bill and section, page 8, line 14 of said page, by inserting immediately after “center” the following: **“except as provided otherwise in section 319.016”**; and further amend line 28 of said page, by inserting immediately after “center” the following: **“except as provided otherwise in section**

319.016''; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted.

Senator Rupp assumed the Chair.

At the request of Senator Griesheimer, **HCS** for **HB 1779**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SB 1245, introduced by Senator Nodler, entitled:

An Act to repeal sections 115.350 and 561.021, RSMo, and to enact in lieu thereof one new section relating to disqualification of candidates for public office.

Was taken up.

On motion of Senator Nodler, **SB 1245** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Barnitz Coleman—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SBs 1181, 1100, 1262** and **1263**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1181, 1100, 1262 and 1263

An Act to repeal sections 8.800, 8.810, 8.812, 8.815, 8.837, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 143.121, and 170.011, RSMo, and to enact in lieu thereof forty new sections relating to energy efficiency, with penalty provisions.

Was taken up by Senator Engler.

On motion of Senator Engler, **SCS** for **SBs 1181, 1100, 1262** and **1263** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Bartle—1

Absent—Senator Coleman—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 738**, introduced by Senator Nodler, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 738

An Act to repeal sections 643.151 and 644.076, RSMo, and to enact in lieu thereof two new sections relating to recycling companies that convert animal parts into petroleum, with penalty provisions.

Was taken up.

On motion of Senator Nodler, **SS** for **SCS** for **SB 738** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 1283, introduced by Senator Dempsey, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1283**

An Act to repeal sections 33.103, 135.535, 135.562, 191.400, 192.014, 192.083, 195.070, 195.100, 208.145, 208.152, 208.215, 208.955, 334.104, 335.016, 376.811, 376.986, and 660.062, RSMo, and to enact in lieu thereof seventy-two new sections relating to the Missouri health transformation act of 2008, with penalty provisions.

Was taken up.

On motion of Senator Dempsey, **SS for SCS for SB 1283** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Coleman	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Green	Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senators

Bartle	Bray	Graham	Purgason—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 877** be taken up for perfection, which motion prevailed.

At the request of Senator Mayer, **SB 877** was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 967**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 958**, entitled:

An Act to repeal section 537.340, RSMo, and to enact in lieu thereof one new section relating to tree trimming.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1105**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 806**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **HB 1423**, entitled:

An Act to repeal sections 302.010, 302.060, 302.304, 302.309, 302.525, 577.023, 577.041, 577.600, 577.602, and 577.612, RSMo, and to enact in lieu thereof ten new sections relating to ignition interlock devices, with penalty provisions, an effective date and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **HCRs 43** and **46**.

HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NOS. 43 and 46

WHEREAS, The Boeing Company Integrated Defense Systems (Boeing), based in St. Louis, Missouri, has been building and maintaining

refueling tankers for the United States Air Force (USAF) for 50 years and has more experience building tankers than any other company in the world; and

WHEREAS, Boeing has proposed the KC-767 as a replacement for the KC-135 Stratotanker, an American-made tanker that has been in use since 1958; and

WHEREAS, the KC-767 meets or exceeds all USAF requirements, including range and fuel offload capabilities, mission flexibility for carrying patients, passengers, and material; and

WHEREAS, the KC-767 will interoperate with 99% of USAF's existing equipment, saving an estimated \$4 billion in lifecycle costs, and will operate from existing infrastructure throughout the world saving the expense of costly runway, tarmac, and hangar expansion required for a larger plane; and

WHEREAS, the KC-767 would have created or sustained 44,000 jobs in 40 states with 300 suppliers; and

WHEREAS, on February 29, 2008, the USAF announced the selection of European Aeronautic Defence and Space Company (EADS), a company based in France, and its partner Northrop Grumman Corporation, for a contract to replace aerial refueling tankers, a contract that could reach in excess of \$100 billion in value; and

WHEREAS, the U.S. Government has a WTO lawsuit pending against EADS regarding illegal subsidies that have caused great harm to U.S. Industry; and

WHEREAS, EADS routinely sells military products and technology to countries on the U.S. Embargo list; and

WHEREAS, the EADS tanker is wasteful and bad for the environment as it burns 24% more fuel and pumps 30% greater emissions into our environment than the KC-767; and

WHEREAS, EADS and Northrop Grumman have never jointly built a tanker aircraft or delivered an air-to-air refueling boom, while Boeing has built and upgraded over 2,000 operational tankers and delivered over 1,800 air-to-air refueling booms; and

WHEREAS, given the current state of the U.S. economy, taxpayer dollars should not be used to fund the economic growth of European countries, while America loses 44,000 quality jobs associated with the KC-767; and

WHEREAS, relying on a foreign supplier of military equipment is unwise and not in the national security interest of the country:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, hereby urge the United States Air Force to reconsider its decision to replace the KC-135 refueling tanker with a tanker supplied by a foreign company that is substantially built in foreign countries; and

BE IT FURTHER RESOLVED that the General Assembly strongly urges the President of the United States and Congress to immediately and vigorously investigate the proposed outsourcing of taxpayer-funded jobs, and its impact on the U.S. economy and the procurement process that made possible this transfer of billions of dollars to foreign workers; and

BE IT FURTHER RESOLVED that the General Assembly urge the President of the United States and Congress to investigate and thoroughly review the benefits, costs, and national security risks associated with contracting for the design and construction of high-technology military equipment and systems in and by foreign nations which may not always share U.S. interests, objectives, and missions; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the United States Secretary of Defense, the Secretary of the Air Force, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 15**.

HOUSE CONCURRENT RESOLUTION NO. 15

Whereas, the Commercial Motor Vehicle Safety Act of 1986 was signed into law with the goal to improve highway safety by ensuring that drivers of large trucks and buses are qualified to operate those vehicles and to remove unsafe and unqualified drivers from the highways; and

Whereas, the federal Act retained a State's right to issue a driver's license, but established minimum national standards which States must meet when licensing commercial motor vehicle drivers; and

Whereas, the federal Act corrected the situation that existed prior to 1986 by making it illegal to hold more than one license and by requiring States to adopt testing and licensing standards for truck and bus drivers to check a person's ability to operate the type of vehicle the driver plans to operate; and

Whereas, since April 1, 1992, drivers have been required to have a commercial driver's license (CDL) in order to drive a commercial motor vehicle. The Federal Highway Administration (FHWA) issued standards for testing and licensing of commercial motor vehicle drivers which require States to issue CDLs to their commercial motor vehicle drivers only after the driver passes knowledge and skills tests administered by the State related to the type of vehicle to be operated; and

Whereas, drivers need CDLs if they are in interstate, intrastate, or foreign commerce and drive a vehicle that meets the federal definition of a commercial motor vehicle; and

Whereas, States develop their own tests which must be at least as stringent as the federal standards; and

Whereas, this restriction does not prohibit States from allowing a person 19 years of age to qualify for a CDL, because it is limited to intrastate operation only. Such a restriction prohibits a person between the ages of 19 and 21 with a CDL from the interstate operation of a commercial motor vehicle; and

Whereas, the establishment of a controlled pilot program by the Federal Motor Carrier Safety Administration (FMCSA) lowering the federal minimum age for commercial motor vehicle drivers in interstate commerce from 21 to 19, which would include behind the wheel training, mentoring, and an evaluation component, would be the first step in advancing the program while still promoting highway safety; and

Whereas, a FMCSA controlled pilot program for 19 to 21 year-olds has the potential of relieving a severe commercial motor vehicle driver shortage in the States and Nation, and creating excellent career opportunities:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, hereby urge the Federal Motor Carrier Safety Administration to establish a controlled pilot program to evaluate the potential of lowering the age requirements for interstate commercial motor carrier drivers from 21 to 19 years of age; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Administrator of the Federal Motor Carrier Safety Administration, John H. Hill, and each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 34**.

HOUSE CONCURRENT RESOLUTION NO. 34

Whereas, the health and safety of our children is of highest concern to the citizens of Missouri; and

Whereas, promoting safe and healthful walking and bicycling to school is important to Missouri students, parents, and teachers, and has been shown to improve student's health and academic performance; and

Whereas, hundreds of children could be saved from harm each year if communities take steps to make pedestrian safety a priority; and

Whereas, driving students to school by private vehicle contributes to traffic congestion and air pollution, creating over 25% of community traffic at the beginning and end of each school day; and

Whereas, lack of physical activity plays a leading role in rising rates of obesity, diabetes, and other health problems among children, and

walking or bicycling to school offers an opportunity to build healthful physical activity into a child's daily routine; and

Whereas, the number of children walking and bicycling to school has decreased dramatically in recent years, with less than 10% of students walking or bicycling to school now compared to 50% just 30 years ago; and

Whereas, the MoDOT Safe Routes to School program is helping dozens of Missouri communities make the neighborhoods near their schools safer and more inviting for walking and bicycling, and developing programs to encourage parents and students to walk and bicycle to school; and

Whereas, an important role for parents and caregivers is to teach children about pedestrian safety and become aware of the difficulties and dangers that children face on their trips to school each day and the health and environmental risks related to physical inactivity and air pollution; and

Whereas, community members and leaders should make a plan to make immediate changes to enable children to safely walk and bicycle in our communities and develop a list of suggestions for improvements that can be done over time; and

Whereas, children, parents, and community leaders around the world are joining together to walk to school and evaluate walking and bicycling conditions in their communities; and

Whereas, Walk and Bicycle to School Month in October and Walk and Bicycle to School Week the first week in October have proven to be helpful in encouraging children to safely walk and bicycle to school and in creating and promoting local Safe Route to Schools programs across the United States and throughout the world:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, hereby recognize the month of October 2008 as "Walk and Bicycle to School Month", the week of October 6-10, 2008, as "Walk and Bicycle to School Week", and October 8, 2008, as "Walk and Bicycle to School Day" in Missouri; and

Be it further resolved that the General Assembly urges all students, parents, teachers, administrators, schools, and school districts to participate in these events.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 35**.

HOUSE CONCURRENT RESOLUTION NO. 35

Whereas, the bicycle is a viable and environmentally sound form of transportation and an excellent form of recreation; and

Whereas, millions of Missourians will experience the joys of bicycling during the month of May through educational programs, races, commuting events, trail work days, helmet promotion, charity events, or just getting out and going for a ride; and

Whereas, Missouri's Katy Trail attracts hundreds of thousands of bicyclists each year from all 50 states and from across the globe, providing economic, health, and scenic benefits to the citizens of Missouri and the world; and

Whereas, Missouri hosts four major cross-country bicycle tourism routes that attracts thousands of cross-country and local bicyclists each year, including the Mississippi River/Great Rivers Trail, the American Discovery Trail, the Lewis and Clark Trail, and the TransAmerican Trail; and

Whereas, the Tour of Missouri bicycle race is poised to again bring hundreds of world-class athletes and thousands of bicycle tourists to Missouri on September 8-14, 2008, and put Missouri's bicycling attractions and scenic countryside before a world stage; and

Whereas, these bicycling activities and attractions have great potential to have a positive impact on Missouri's economy and tourism industry and to stimulate economic development by making the state attractive to businesses and citizens who enjoy the out of doors and healthy lifestyles; and

Whereas, creating bicycle-friendly communities has been shown to improve citizens' health, well-being, and quality of life, to boost community spirit, to improve traffic safety, and to reduce pollution and congestion; and

Whereas, May has been declared National Bike Month for each of the last 52 years, and is so again in 2008; and

Whereas, the League of American Bicyclists, the Missouri Bicycle Racing Association, the Missouri Bicycle Federation, bicycle clubs, schools, parks and recreation departments, police departments, hospitals, companies and civic groups through Missouri will be promoting bicycling as a leisure activity as well as an environmentally-friendly alternative to the automobile during the month of May 2008; and

Whereas, the education of bicyclists and motorists as to the proper and safe operation of bicycles is important to ensure the safety and comfort of all users; and

Whereas, the Missouri Bicycle Federation, the Kansas City Share the Road Safety Task Force, St. Louis TrailNet, the St. Louis Regional Bicycle Federation, GetAbout Columbia, the Columbia PedNet Coalition, Velo Girardeau, SpringBike, Ozark Greenways, Parkland Cyclists, St. Joseph Bicycle Club, Quad States Trails of St. Joseph, and other organizations across the state will promote bicycle safety during the month of May 2008:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, hereby recognize the month of May 2008 as "National Bike Month and Bicycle Safety Month", and the week of May 12-16, 2008, as "Bike to Work Week"; and

Be it further resolved that the General Assembly urges all who support bicycling to participate in the events planned and urges all road users to share the road safety with bicyclists.

In which the concurrence of the Senate is respectfully requested.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 28, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Timothy W. Bonno, 202 Hollytree Court, Ballwin, Saint Louis County, Missouri 63021, as a member of the Seismic Safety Commission, for a term ending July 1, 2008, and until his successor is duly appointed and qualified; vice, Richard Marx, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 28, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kathleen A. Coleton, 2 SW Whitlock Drive, Lee's Summit, Jackson County, Missouri 64081, as a member of the Missouri Acupuncturist Advisory Committee, for a term ending December 10, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 28, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert N. Hartnett, 508 SE Adobe Drive, Lee's Summit, Jackson County, Missouri 64063, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending September 30, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 28, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jason M. Morgan, Democrat, 2401 North Ballas Road, Town and Country, Saint Louis County, Missouri 63131, as a member of the Environmental Improvement and Energy Resources Authority, for a term ending January 22, 2009, and until his successor is duly appointed and qualified; vice, Darwin Hindman, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 28, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mary E. Potter, Republican, 2319 NE 3rd Street, Blue Springs, Jackson County, Missouri 64014, as a member of the Missouri Community Service Commission, for a term ending December 15, 2010, and until her successor is duly appointed and qualified; vice, Judith Moskoff, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 28, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael K. Whitehead, Republican, 4613 NE Jamestown Drive, Lee's Summit, Jackson County, Missouri 64064, as a member of the Jackson County Board of Election Commissioners, for a term ending April 4, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 28, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Brenda J. Wrench, 6962 Mardel Avenue, Saint Louis City, Missouri 63109, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2010, and until her successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 1383—Pensions, Veterans' Affairs and General Laws.

HCS for HB 1626—Pensions, Veterans' Affairs and General Laws.

HCS for HB 2059—Education.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Eileen and Joe Little and their granddaughters, Brittany Little and Katie Mitts, Everton; and Brittany and Katie were made honorary pages.

Senator Shields introduced to the Senate, his parents, Charles and Rosalie Shields, St. Joseph.

Senator Scott introduced to the Senate, Randy Sheldon, Osceola.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-NINTH DAY—TUESDAY, APRIL 29, 2008

FORMAL CALENDAR**HOUSE BILLS ON SECOND READING**

HCS for HB 2034

HCS for HB 2016

HCS for HB 2023

HCS for HB 2250

HCS for HBs 1788 & 1882

HCS for HB 1813

HCS for HB 2060
HCS for HB 1700
HB1756-Walton, et al
HCS for HBs 2062 & 1518
HB 2266-Jones (89), et al
HCS for HB 2114
HCS for HB 2279

HCS for HB 1516
HB 2590-Moore, et al
HB 2202-Kelly
HCS for HB 1704
HB 2078-Hubbard, et al
HCS#2 for HB 1423

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)

SCS for SB 865-Rupp and Gibbons

SENATE BILLS FOR PERFECTION

SB 1194-Goodman

HOUSE BILLS ON THIRD READING

1. HCS for HB 1619, with SCS (Champion)
2. HB 1384 & HB 2157-Cox, et al, with SCS (Gibbons)
3. HCS for HB 2104, HB 1574, HB 1706, HCS for HB 1774, HB 2055 & HCS for HB 2056, with SCS
4. HCS for HJR 55
5. HB 1937-Pearce, et al, with SCS (Scott)
6. HB 2224-Jones (117), et al, with SCS (Griesheimer)
7. HB 1711-Weter, et al, with SCS (Clemens)
8. HB 1970-Wasson (Scott)
9. HCS for HB 1763 (Engler)
10. HCS for HB 2068 (Scott)
11. HCS for HB 1341

12. HB 1617-Cunningham (86), et al (Dempsey)
13. HCS for HB 1715, with SCS
14. HB 2226-Muschany (Rupp)
15. HCS for HB 2393, with SCS (In Fiscal Oversight)
16. HB 1656-Nance and Cooper (120), with SCS (Stouffer)
17. HB 1983-Pratt, with SCS (Goodman)
18. HB 1973-Franz, with SCS (Crowell)
19. HB 1678-Day, et al (Stouffer) (In Fiscal Oversight)
20. HCS for HBs 1876 & 1877, with SCS (Mayer)
21. HCS for HB 2188, with SCS
22. HB 1532-Davis, with SCS (Rupp)
23. HCS for HB 1393

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS
SB 713-Gibbons, with SCS
SB 716-Loudon, et al

SB 717-Kennedy and Shields
SB 729-Griesheimer, with SCS
SB 749-Ridgeway, with SCS

SB 756-Engler and Rupp, with SCS
(pending)
SB 776-Justus and Koster, with SCS
SB 809-Stouffer, with SCS, SS for SCS &
SA 1 (pending)
SB 811-Stouffer, with SCS, SA 1 & point
of order (pending)
SB 815-Goodman
SB 821-Shoemyer, with SCS (pending)
SBs 840 & 857-Engler, with SCS & SS for
SCS (pending)
SB 861-Shoemyer, with SCS
SB 874-Graham, with SCS
SB 877-Mayer
SB 881-Green
SB 904-Griesheimer, with SCS
SBs 909, 954, 934 & 1003-Engler, with SCS
SB 915-Ridgeway
SB 917-Goodman, et al
SB 929-Green and Callahan, with SCS
SB 957-Goodman
SBs 982, 834 & 819-Purgason, with SCS
SB 990-Champion
SBs 993 & 770-Crowell, with SCS, SS for
SCS, SA 4 & SSA 1 for SA 4 (pending)
SB 996-Crowell, with SCS
SB 997-Crowell
SB 1000-Justus
SB 1007-Loudon, with SA 2 (pending)
SBs 1021 & 870-Loudon, et al, with SCS,
SS for SCS & SA 2 (pending)

SB 1035-Scott, with SCS
SB 1046-Mayer, with SA 1 & SSA 1 for SA 1
(pending)
SB 1052-Rupp
SB 1054-Dempsey, with SCS
SB 1057-Scott, with SCS
SB 1058-Mayer
SB 1067-Ridgeway, et al
SB 1077-Goodman, with SS (pending)
SB 1093-Loudon, et al
SB 1094-Loudon, with SCS
SB 1099-Graham, with SA 1 (pending)
SB 1101-Bray, et al
SB 1103-Gibbons
SB 1138-McKenna, with SCS
SB 1158-Mayer, with SCS
SB 1164-Loudon
SB 1170-Mayer, with SCS
SB 1180-Crowell
SB 1183-Bray, with SCS
SB 1197-Crowell
SBs 1234 & 1270-Shields, with SCS & SS#2
for SCS (pending)
SB 1240-Dempsey
SB 1244-Barnitz and Purgason
SB 1275-Vogel
SB 1278-Shields
SJR 43-Loudon

HOUSE BILLS ON THIRD READING

HB 1661-LeVota, et al (Ridgeway)

HCS for HB 1779, with SCS, SS for SCS &
SA 1 (pending) (Griesheimer)

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)

HB 1670-Cooper (120) (Dempsey)

HB 1828-Sutherland (Vogel)
HCS for HB 1804, with SCS (Days)
HB 2047-Curls, et al, with SCS (Callahan)
HB 1410-Flook, et al (Ridgeway)
HCS for HB 1888 (Clemens)
HB 1368-Thomson (Lager)
HCS for HB 1807, with SCS (Mayer)
HB 1869-Wilson (130), et al (Goodman)
HCS for HB 2048, with SCS (Engler)

HB 2213-Kraus, et al (Shields)
HB 1422-St. Onge, et al, with SCS (Stouffer)
HB 1354-Wilson (119), et al (Scott)
HCS for HB 1575 (Vogel)
HB 1952-Loehner, et al (Barnitz)
HB 1887-Parson (Scott)
HCS for HB 2360 (Lager)
HB 1311-Hoskins, with SCS (Engler)
HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin (Ridgeway)
HB 2065-Wasson, with SCS (Scott)
HB 1450-Roorda, et al, with SCS (McKenna)
HB 2233-Page, et al (Shields)

HB 1419-Portwood (Loudon)
HB 1791-Cooper (155), et al (Barnitz)
HB 1689-Wilson (130), with SCS (Scott)
HCS for HB 1690, with SCS (Scott)

Reported 4/15

HCS for HB 1380 (Goodman)
HCS for HB 2036 (Stouffer)
HB 1946-Franz, with SCS (Champion)
HB 1849-Pratt and Curls (Justus)
HB 1640-Schoeller, et al, with SCS
(Goodman)
HB 1570-Franz, with SCS (Champion)

HB 1469-Pratt (Goodman)
HB 1710-Flook (Ridgeway)
HCS for HB 1783 (Engler)
HB 1784-Meadows, et al (McKenna)
HB 1313-Wright, et al (Mayer)
HCS for HB 1893 (Dempsey)
HB 1881-Schlottach (Kennedy)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 958-Goodman, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2002, with SCS (Nodler)
HCS for HB 2003, with SCS (Nodler)
HB 2004, with SCS (Nodler)
HCS for HB 2005, with SCS (Nodler)
HCS for HB 2006, with SCS (Nodler)
HCS for HB 2007, with SCS (Nodler)

HCS for HB 2008, with SCS (Nodler)
HCS for HB 2009, with SCS (Nodler)
HCS for HB 2010, with SCS (Nodler)
HCS for HB 2011, with SCS (Nodler)
HCS for HB 2012, with SCS (Nodler)
HCS for HB 2013, with SCS (Nodler)

RESOLUTIONS

To be Referred

HCS for HCRs 43 & 46
HCR 15-Kuessner, et al

HCR 34-Sutherland
HCR 35-Sutherland

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Journal of the Senate

SECOND REGULAR SESSION

FIFTY-NINTH DAY—TUESDAY, APRIL 29, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“His *word*...is in my heart like a fire, a fire shut up in my bones. I am weary of holding it in; indeed I cannot.” (Jeremiah 20:9)

O God of heaven and earth, thank You for touching our hearts and minds with Your words of life and the guidance that they provide us this day. May we speak to others with graciousness and conviction that You have given to us that must be said. May our interactions with others be a life affirming stream of care and resolve that revives our thinking and touches our soul. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Dempsey assumed the Chair.

RESOLUTIONS

Senator Bartle offered Senate Resolution No. 2520, regarding Marge Caffey, Lee's Summit, which was adopted.

Senator Coleman offered Senate Resolution No. 2521, regarding Billy Don Patty, Wentzville, which was adopted.

Senator Coleman offered Senate Resolution No. 2522, regarding the Bubblemasters Underwater Recovery Team (B.U.R.T. Rescue), Granite City, Illinois, which was adopted.

Senator McKenna offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2523

Whereas, the members of the Missouri Senate feel it is altogether fitting and proper to pause from time to time to recognize individuals and organizations that have contributed to the welfare of this great state and its citizens or distinguished themselves through significant personal achievement; and

Whereas, the members now pause to recognize William "Billyo" O'Donnell, of Eureka, Missouri, who is well known for his project "Painting Missouri"; and

Whereas, Billyo O'Donnell has traveled across this state for the past seven years during all seasons capturing "en plein air" each of the state's 114 counties and the City of St. Louis, thus creating "Painting Missouri"; and

Whereas, a life-long resident of Missouri, Billyo O'Donnell grew up in Pendleton and graduated from Warrenton R-III High School, East Central College in Union, and Southwest Missouri State College in Springfield; and

Whereas, Billyo O'Donnell is highly regarded for his effective teaching methods and lecture and his local, national international awards include 2006 Best Body of Work (Maui Plein Air Painting Invitational), 2006 King of Frames (Maui Plein Air Painting Invitational), 2003 Missouri Citizens for Arts Missouri Arts Advocacy Award, 1999 National Oil and Acrylic "Best Use of Light and Color", 1996 Painters' Society Exhibition, 1994 Selection for the cover of Japan Creators' Association Annual, and 1987 Painting Selected for Tourism Poster by Austria's Board of Tourism; and

Whereas, Billyo O'Donnell is the only artist in Missouri who can boast that practically every citizen in the state has had the opportunity to enjoy his art at no cost and on a daily basis, because he is the artist who designed Missouri's official license plate, without any compensation from Missouri taxpayers; and

Whereas, Billyo O'Donnell will be the honored guest at a special reception showcasing "Painting Missouri" that will be hosted by Missouri First Lady Melanie Blunt on Tuesday, April 29, 2008, at the Governor's Mansion; and

Whereas, Billyo O'Donnell lives in a 170-year-old cabin near Eureka with his wife, Peggy, where they raised their three children:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fourth General Assembly, extend our admiration to Billyo O'Donnell for his body of work and the contribution he has made to this great state; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for William "Billyo" O'Donnell.

Senator Engler offered Senate Resolution No. 2524, regarding William L. Kreidler, which was adopted.

Senator Engler offered Senate Resolution No. 2525, regarding Jonathan Korn, Fletcher, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2526, regarding Bob Gregory, Hannibal, which was adopted.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 2034—Agriculture, Conservation, Parks and Natural Resources.

HCS for HB 2016—Appropriations.

HCS for HB 2023—Appropriations.

HCS for HB 2250—Ways and Means.

HCS for HBs 1788 and 1882—Ways and Means.

HCS for HB 1813—Ways and Means.

HCS for HB 2060—Financial and Governmental Organizations and Elections.

HCS for HB 1700—Financial and Governmental Organizations and Elections.

HB 1756—Judiciary and Civil and Criminal Jurisprudence.

HCS for HBs 2062 and 1518—Pensions, Veterans' Affairs and General Laws.

HB 2266—Education.

HCS for HB 2114—Financial and Governmental Organizations and Elections.

HCS for HB 2279—Commerce, Energy and the Environment.

HCS for HB 1516—Seniors, Families and Public Health.

HB 2590—Financial and Governmental Organizations and Elections.

HB 2202—Financial and Governmental Organizations and Elections.

HCS for HB 1704—Education.

HB 2078—Education.

HCS for HB 1423—Judiciary and Civil and Criminal Jurisprudence.

REFERRALS

President Pro Tem Gibbons referred **HCS for HCRs 43 and 46; HCR 15; HCR 34 and HCR 35** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Nodler requested unanimous consent of the Senate to suspend the rules for the purpose of allowing the conferees on **SCS for HCS for HB 2002; SCS for HCS for HB 2003; SCS for HB 2004; SCS for HCS for HB 2005; SCS for HCS for HB 2006; SCS for HCS for HB 2007; SCS for HCS for HB 2008; SCS for HCS for HB 2009; SCS for HCS for HB 2010; SCS for HCS for HB 2011; SCS for HCS for HB 2012; and SCS for HCS for HB 2013** to meet while the Senate is in session, which request was granted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 967 and SB 1066**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

RE-REFERRALS

President Pro Tem Gibbons re-referred **HCS** for **HBs 1788** and **1882** to the Committee on Pensions, Veterans' Affairs and General Laws.

HOUSE BILLS ON THIRD READING

At the request of Senator Champion, **HCS** for **HB 1619**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Gibbons, **HB 1384** and **HB 2157**, with **SCS**, were placed on the Informal Calendar.

HCS for **HB 2104**, **HB 1574**, **HB 1706**, **HCS** for **HB 1774**, **HB 2055** and **HCS** for **HB 2056**, with **SCS**, were placed on the Informal Calendar.

HCS for **HJR 55** was placed on the Informal Calendar.

At the request of Senator Scott, **HB 1937**, with **SCS**, was placed on the Informal Calendar.

HB 2224, with **SCS**, was placed on the Informal Calendar.

HB 1711, with **SCS**, was placed on the Informal Calendar.

HB 1970, introduced by Representative Wasson, entitled:

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to motor vehicle dealers.

Was taken up by Senator Scott.

On motion of Senator Scott, **HB 1970** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None**Absent—Senators—None****Absent with leave—Senator Clemens—1****Vacancies—None**

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 2224, with **SCS**, introduced by Representative Jones (117), et al, entitled:

An Act to repeal section 590.050, RSMo, and to enact in lieu thereof one new section relating to continuing education requirements for peace officers.

Was called from the Informal Calendar and taken up by Senator Griesheimer.

SCS for **HB 2224**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2224

An Act to repeal sections 57.280, 488.435, 590.050, 610.021, 610.100, and 650.350, RSMo, and to enact in lieu thereof seven new sections relating to law enforcement.

Was taken up.

Senator Griesheimer moved that **SCS** for **HB 2224** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **HB 2224**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2224

An Act to repeal sections 57.280, 488.435, 590.050, and 650.350, RSMo, and to enact in lieu thereof five new sections relating to the training and compensation of law enforcement officers.

Senator Griesheimer moved that **SS** for **SCS** for **HB 2224** be adopted.

Senator Graham offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2224, Page 4, Section 57.280, Line 27 of said page, by inserting after all of said line the following:

"221.515. **1.** Any person designated a jailer under the provisions of this chapter shall have the power to serve [an arrest warrant] **civil process and arrest warrants** on any person who **surrenders himself or herself to the facility under an arrest warrant or** is already an inmate in the custody of the facility in or at which such jailer is employed.

2. Under the rules and regulations of the sheriff, employees designated as jailers may carry firearms when necessary for the proper discharge of their duties as jailers in this state under the provisions of this chapter.

3. Such persons authorized to act by the sheriff as jailers under the rules and regulations of the sheriff shall have the same power as granted any other law enforcement officers in this state to arrest escaped prisoners and apprehend all persons who may be aiding and abetting such escape while in the custody of the sheriff in accordance with state law."; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Griesheimer raised the point of order that **SA 1** is out of order as it goes beyond the scope of

the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Under the provisions of Senate Rule 91, Senator Wilson was excused from voting.

Senator Griesheimer moved that **SS** for **SCS** for **HB 2224** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **HB 2224** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Coleman	Crowell	Days	Dempsey	Engler
Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy	Koster	Lager
Mayer	McKenna	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith
Stouffer	Vogel—26						

NAYS—Senators

Bartle	Bray	Green	Loudon	Nodler	Purgason—6
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Absent—Senators—None

Absent with leave—Senator Clemens—1

Excused from voting—Senator Wilson—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **SB 967** and **SB 1066**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

Senator Dempsey assumed the Chair.

PRIVILEGED MOTIONS

Senator Goodman moved that the Senate refuse to concur in **HCS** for **SB 958** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 1619**, with **SCS**, entitled:

An Act to repeal sections 195.010, 195.017, and 195.417, RSMo, and to enact in lieu thereof eleven new sections relating to monitoring of drugs, with penalty provisions and an effective date.

Was called from the Informal Calendar and taken up by Senator Champion.

SCS for HCS for HB 1619, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1619

An Act to repeal sections 195.010, 195.017, and 195.417, RSMo, and to enact in lieu thereof eleven new sections relating to monitoring of drugs, with penalty provisions and an effective date.

Was taken up.

Senator Champion moved that **SCS for HCS for HB 1619** be adopted.

Senator Champion offered **SS for SCS for HCS for HB 1619**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1619

An Act to repeal sections 195.010, 195.017, and 195.417, RSMo, and to enact in lieu thereof eleven new sections relating to monitoring of drugs, with penalty provisions and an effective date.

Senator Champion moved that **SS for SCS for HCS for HB 1619** be adopted.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1619, Page 47, Section 195.017, Line 3 of said page, by inserting immediately after said line the following:

“195.070. 1. A physician, podiatrist, dentist, or a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, RSMo, in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. **An advanced practice registered nurse, as defined in section 335.016, RSMo, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, RSMo, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019, RSMo, and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104, RSMo, may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty hour supply without refill.**

3. A veterinarian, in good faith and in the course of his professional practice only, and not for use by

a human being, may prescribe, administer, and dispense controlled substances and he may cause them to be administered by an assistant or orderly under his direction and supervision.

[3.] 4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug.

[4.] 5. An individual practitioner may not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him, he shall securely affix to each package in which that drug is contained, a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except a pharmacist for the purpose of filling a prescription under sections 195.005 to 195.425, shall alter, deface, or remove any label so affixed.

5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on a prescription issued by a physician, dentist, podiatrist [or], veterinarian, **or advanced practice registered nurse**, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name and address of the pharmacy or practitioner for whom he is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the physician, dentist, podiatrist [or], **advanced practice registered nurse, or** veterinarian by whom the prescription was written; **the name of the collaborating physician if the prescription is written by an advanced practice registered nurse**, and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.”; and

Further amend said bill, page 59, section 195.417, line 27 of said page, by inserting immediately after said line the following:

“334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered

professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice nurse as defined in subdivision (2) of section 335.016, RSMo. **Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, RSMo, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, RSMo. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty hour supply without refill.** Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse; and

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's prescribing practices. The description shall include provisions that the advanced practice registered nurse shall submit documentation of the advanced practice registered nurse's prescribing practices to the collaborating physician within fourteen days. The documentation

shall include, but not be limited to, a random sample review by the collaborating physician of at least twenty percent of the charts and medications prescribed.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036, RSMo, may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements **including delegating authority to prescribe controlled substances**. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. **Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy.** In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197, RSMo.

[4.] 5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

[5.] 6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, **including collaborative practice agreements delegating the authority to prescribe controlled substances**, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

[6. Notwithstanding anything to the contrary in this section, a registered nurse who has graduated from a school of nurse anesthesia accredited by the Council on Accreditation of Educational Programs of Nurse Anesthesia or its predecessor and has been certified or is eligible for certification as a nurse anesthetist by

the Council on Certification of Nurse Anesthetists shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed.]

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, RSMo, shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, RSMo, from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, RSMo.

8. A collaborating physician shall not enter into a collaborative practice arrangement with more than three full-time equivalent advanced practice registered nurses. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197, RSMo.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020, RSMo, if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

335.016. As used in this chapter, unless the context clearly requires otherwise, the following words and terms mean:

(1) "Accredited", the official authorization or status granted by an agency for a program through a voluntary process;

(2) “Advanced practice **registered** nurse”, a nurse who has [had] education beyond the basic nursing education and is certified by a nationally recognized professional organization [as having a nursing specialty, or who meets criteria for advanced practice nurses established by the board of nursing. The board of nursing may promulgate rules specifying which professional nursing organization certifications are to be recognized as advanced practice nurses, and may set standards for education, training and experience required for those without such specialty certification to become advanced practice nurses] **as a certified nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or a certified clinical nurse specialist. The board shall promulgate rules specifying which nationally recognized professional organization certifications are to be recognized for the purposes of this section.** Advanced practice nurses and only such individuals may use the title “Advanced Practice Registered Nurse” and the abbreviation “APRN”;

(3) “Approval”, official recognition of nursing education programs which meet standards established by the board of nursing;

(4) “Board” or “state board”, the state board of nursing;

(5) **“Certified nurse practitioner”, a registered nurse who is currently certified as a nurse practitioner by a nationally recognized certifying body approved by the board of nursing;**

(6) **“Certified clinical nurse specialist”, a registered nurse who is currently certified as a clinical nurse specialist by a nationally recognized certifying board approved by the board of nursing;**

(7) **“Certified nurse midwife”, a registered nurse who is currently certified as a nurse midwife by the American College of Nurse Midwives, or other nationally recognized certifying body approved by the board of nursing;**

(8) **“Certified registered nurse anesthetist”, a registered nurse who is currently certified as a nurse anesthetist by the Council on Certification of Nurse Anesthetists, the Council on Recertification of Nurse Anesthetists, or other nationally recognized certifying body approved by the board of nursing;**

[(5)] (9) “Executive director”, a qualified individual employed by the board as executive secretary or otherwise to administer the provisions of this chapter under the board's direction. Such person employed as executive director shall not be a member of the board;

[(6)] (10) “Inactive nurse”, as defined by rule pursuant to section 335.061;

[(7)] (11) “Lapsed license status”, as defined by rule under section 335.061;

[(8)] (12) “Licensed practical nurse” or “practical nurse”, a person licensed pursuant to the provisions of this chapter to engage in the practice of practical nursing;

[(9)] (13) “Licensure”, the issuing of a license to practice professional or practical nursing to candidates who have met the specified requirements and the recording of the names of those persons as holders of a license to practice professional or practical nursing;

[(10)] (14) “Practical nursing”, the performance for compensation of selected acts for the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in normal health processes. Such performance requires substantial specialized skill, judgment and knowledge. All such nursing care shall be given under the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse. For the purposes of this

chapter, the term “direction” shall mean guidance or supervision provided by a person licensed by a state regulatory board to prescribe medications and treatments or a registered professional nurse, including, but not limited to, oral, written, or otherwise communicated orders or directives for patient care. When practical nursing care is delivered pursuant to the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse, such care may be delivered by a licensed practical nurse without direct physical oversight;

[(11)] **(15)** “Professional nursing”, the performance for compensation of any act which requires substantial specialized education, judgment and skill based on knowledge and application of principles derived from the biological, physical, social and nursing sciences, including, but not limited to:

(a) Responsibility for the teaching of health care and the prevention of illness to the patient and his or her family;

(b) Assessment, nursing diagnosis, nursing care, and counsel of persons who are ill, injured or experiencing alterations in normal health processes;

(c) The administration of medications and treatments as prescribed by a person licensed by a state regulatory board to prescribe medications and treatments;

(d) The coordination and assistance in the delivery of a plan of health care with all members of a health team;

(e) The teaching and supervision of other persons in the performance of any of the foregoing;

[(12)] **(16)** A “registered professional nurse” or “registered nurse”, a person licensed pursuant to the provisions of this chapter to engage in the practice of professional nursing;

[(13)] **(17)** “Retired license status”, any person licensed in this state under this chapter who retires from such practice. Such person shall file with the board an affidavit, on a form to be furnished by the board, which states the date on which the licensee retired from such practice, an intent to retire from the practice for at least two years, and such other facts as tend to verify the retirement as the board may deem necessary; but if the licensee thereafter reengages in the practice, the licensee shall renew his or her license with the board as provided by this chapter and by rule and regulation.

335.019. The board of nursing may grant a certificate of controlled substance prescriptive authority to an advanced practice registered nurse who:

(1) Submits proof of successful completion of an advanced pharmacology course that shall include preceptorial experience in the prescription of drugs, medicines and therapeutic devices; and

(2) Provides documentation of a minimum of three hundred clock hours preceptorial experience in the prescription of drugs, medicines, and therapeutic devices with a qualified preceptor; and

(3) Provides evidence of a minimum of one thousand hours of practice in an advanced practice nursing category prior to application for a certificate of prescriptive authority. The one thousand hours shall not include clinical hours obtained in the advanced practice nursing education program. The one thousand hours of practice in an advanced practice nursing category may include transmitting a prescription order orally or telephonically or to an inpatient medical record from protocols developed in collaboration with and signed by a licensed physician; and

(4) Has a controlled substance prescribing authority delegated in the collaborative practice

arrangement under section 334.104, RSMo, with a physician who has an unrestricted federal Drug Enforcement Administration registration number and who is actively engaged in a practice comparable in scope, specialty, or expertise to that of the advanced practice registered nurse.”; and

Further amend said bill, page 40, section B, line 1, by striking “Section A” and inserting in lieu thereof the following: “The repeal and reenactment of sections 195.010, 195.017, and 195.417, and the enactment of sections 195.378, 195.381, 195.384, 195.387, 195.390, 195.393, 195.396, and 195.399”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Champion raised the point of order that **SA 1** is out of order as it goes beyond the scope of the title of the bill.

The point of order was referred to the President Pro Tem who took it under advisement, which placed the bill back on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 29, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Darryl T. Jones, Democrat, 55 Bradford Drive, Olivette, Saint Louis County, Missouri 63132, as a member of the Missouri Gaming Commission, for a term ending April 29, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 29, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gary L. Panethiere, Democrat, 8670 NE 97th Terrace, Kansas City, Clay County, Missouri 64157, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2011, and until his successor is duly appointed and qualified; vice, John Douglas Joyce, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 29, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Noel J. Shull, Republican, 8620 North Richmond Avenue, Kansas City, Clay County, Missouri 64157, as a member of the Missouri Gaming Commission, for a term ending April 29, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

BILLS DELIVERED TO THE GOVERNOR

SB 1066 and **SCS** for **SB 967**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

On motion of Senator Shields, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Gibbons.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 2527, regarding Janet Delsemme, Kearney, which was adopted.

Senator Stouffer offered Senate Resolution No. 2528, regarding the One Hundred Second Birthday of Erna Louise Riekhof, Higginsville, which was adopted.

Senator Vogel offered Senate Resolution No. 2529, regarding First Baptist Church, California, which was adopted.

Senator Vogel offered Senate Resolution No. 2530, regarding the R-U Safe student group at Fulton Middle School, which was adopted.

Senator Vogel offered Senate Resolution No. 2531, regarding Robert Lee Frasher, New Bloomfield, which was adopted.

Senator Vogel offered Senate Resolution No. 2532, regarding the Jefferson City Academic Center (JCAC) students, which was adopted.

SENATE BILLS FOR PERFECTION

SB 1194 was placed on the Informal Calendar.

RE-REFERRALS

President Pro Tem Gibbons re-referred **HCS** for **HB 2250** to the Committee on Commerce, Energy and the Environment.

HOUSE BILLS ON THIRD READING

At the request of Senator Engler, **HCS** for **HB 1763** was placed on the Informal Calendar.

HCS for **HB 2068** was placed on the Informal Calendar.

HCS for **HB 1341** was placed on the Informal Calendar.

At the request of Senator Dempsey, **HB 1617** was placed on the Informal Calendar.

HCS for **HB 1715**, with **SCS**, was placed on the Informal Calendar.

HB 2226 was placed on the Informal Calendar.

At the request of Senator Stouffer, **HB 1656**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Goodman, **HB 1983**, with **SCS**, was placed on the Informal Calendar.

HB 1973, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Mayer, **HCS** for **HBs 1876** and **1877**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 2188**, with **SCS**, entitled:

An Act to repeal sections 339.100, 339.532, 443.809, 443.810, and 443.891, RSMo, and to enact in lieu thereof nine new sections relating to mortgage fraud, with penalty provisions.

Was taken up by Senator Engler.

SCS for **HCS** for **HB 2188**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2188

An Act to repeal sections 339.100, 339.532, 443.809, 443.810, and 443.891, RSMo, and to enact in lieu thereof nine new sections relating to mortgage fraud, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS** for **HCS** for **HB 2188** be adopted, which motion prevailed.

Senator Rupp assumed the Chair.

On motion of Senator Engler, **SCS** for **HCS** for **HB 2188** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—32

NAYS—Senator Bartle—1

Absent—Senator Smith—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 939**, entitled:

An Act to repeal sections 242.230, 242.430, 242.500, 245.020, 245.105, 245.175, 245.197, and 246.305, RSMo, and to enact in lieu thereof eight new sections relating to certain district taxes.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 931**, entitled:

An Act to repeal sections 135.800, 135.805, 142.028, 260.546, 261.035, 261.230, 261.235, 261.239, 263.232, 265.200, 281.260, 340.337, 340.341, 340.375, 340.381, 340.384, 340.387, 340.390, 340.393, 340.396, 340.399, 340.402, 340.405, 348.430, 348.432, 348.505, 414.012, 414.032, 414.042, 414.052, 414.082, 414.112, and 414.122, RSMo, and to enact in lieu thereof forty-four new sections relating to the administration of agriculture incentives and programs.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 931, Section 281.260, Page 19, Line 74, by deleting all of said line and inserting in lieu thereof the following:

“12. Notwithstanding any other provision of law to the contrary the director may allow a reasonable period of time for the retailer to dispose”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 931, Section 267.168, Page 17, Line 13, by inserting immediately after all of said line the following:

“278.070. As used in sections 278.060 to 278.300, the following words and terms mean:

- (1) “Board of soil and water district supervisors” or “soil and water supervisors”, the local governing body of a soil and water district, elected or appointed in accordance with the provisions of this law;
- (2) “Landowner”, any person, firm or corporation who holds title to any lands lying within a district

organized or to be organized under the provisions of this chapter. Any landowner may be represented by notarized proxy not more than one year old;

(3) “Land representative”, the owner or representative authorized by power of attorney of any farm lying within any area proposed to be established, and subsequently established, as a soil and water district under the provisions of this law, and for the purposes of this law each such farm shall be entitled to representation by a land representative; provided, however, that any land representative must be a taxpayer of the county within which the soil and water district is located;

(4) “Soil and water conservation cost-share program”, a state-funded incentive program designed for the purpose of saving the soil of the state through erosion control and abatement;

(5) “Soil and water conservation district” or “soil and water district”, a county or one or more of its townships wherein a project for saving the soil and water has been established with the authority and duty and subject to the restrictions herein set forth; and in establishing a soil and water district, if the proposed area is less than the area of the county which contains it, but greater than the area of one township, the additional township or townships to be included in such soil and water district need not be contiguous with the first township or with one another, but there shall be only one soil and water district within the boundaries of the same county; and any farm intersected by a soil and water district boundary shall be considered as lying within that district for purposes of soil and water conservation by that district, except that the soil and water conservation of a farm which lies partly within one soil and water district and partly within another shall be considered the duty of the soil and water district in which the home buildings of such farm are located;

(6) “State soil and water districts commission” or “soil and water commission”, the agency created by section 278.080 for the administration of the soil and water conservation districts provided for by this law;

(7) “Subdistrict”, “watershed subdistrict”, or “watershed district”, as used in sections 278.160 to 278.300, a watershed district, with the exception of section 278.160 whereby subdistrict is specifically used to describe the relationship to an established soil water conservation district or districts that may be established as a watershed district;

(8) “Township”, municipal township and not congressional or survey township.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Purgason moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 931**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Champion moved that **HCS** for **HB 1619**, with **SCS**, **SS** for **SCS**, **SA 1** and the point of order (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Green, **SA 1** was withdrawn, rendering the pending point of order moot.

Senator Green offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1619, Page 47, Section 195.017, Line 3 of said page, by inserting after all of said line the following:

“195.070. 1. A physician, podiatrist, dentist, or a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, RSMo, in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, RSMo, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, RSMo, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019, RSMo, and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104, RSMo, may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty hour supply without refill.

3. A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and he may cause them to be administered by an assistant or orderly under his direction and supervision.

[3.] 4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug.

[4.] 5. An individual practitioner may not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him, he shall securely affix to each package in which that drug is contained, a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except a pharmacist for the purpose of filling a prescription under sections 195.005 to 195.425, shall alter, deface, or remove any label so affixed.

5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on a prescription

issued by a physician, dentist, podiatrist [or], veterinarian, **or advanced practice registered nurse**, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name and address of the pharmacy or practitioner for whom he is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the physician, dentist, podiatrist [or], **advanced practice registered nurse, or veterinarian** by whom the prescription was written; **the name of the collaborating physician if the prescription is written by an advanced practice registered nurse**, and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.”; and

Further amend said bill, page 59, section 195.417, line 27 of said page, by inserting after all of said line the following:

“334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice nurse as defined in subdivision (2) of section 335.016, RSMo. **Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, RSMo, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, RSMo; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in schedules III, IV, and V of section 197.017, RSMo, for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty hour supply without refill.** Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. **The written collaborative practice arrangement shall contain at least the following provisions:**

(1) **Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;**

(2) **A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;**

(3) **A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;**

(4) **All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;**

(5) **The manner of collaboration between the collaborating physician and the advanced practice**

registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

- (a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;
- (b) Maintain geographic proximity; and
- (c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;
- (6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;
- (7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;
- (8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse; and
- (9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's prescribing practices. The description shall include provisions that the advanced practice registered nurse shall submit documentation of the advanced practice registered nurse's prescribing practices to the collaborating physician within fourteen days. The documentation shall include, but not be limited to, a random sample review by the collaborating physician of at least twenty percent of the charts and medications prescribed.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036, RSMo, may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements **including delegating authority to prescribe controlled substances**. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. **Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy.** In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197, RSMo.

[4.] 5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between

a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

[5.] **6.** Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, **including collaborative practice agreements delegating the authority to prescribe controlled substances**, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

[6. Notwithstanding anything to the contrary in this section, a registered nurse who has graduated from a school of nurse anesthesia accredited by the Council on Accreditation of Educational Programs of Nurse Anesthesia or its predecessor and has been certified or is eligible for certification as a nurse anesthetist by the Council on Certification of Nurse Anesthetists shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed.]

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, RSMo, shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, RSMo, from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, RSMo.

8. A collaborating physician shall not enter into a collaborative practice arrangement with more than three full-time equivalent advanced practice registered nurses. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197, RSMo.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present.

10. No agreement made under this section shall supersede current hospital licensing regulations

governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020, RSMo, if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

335.016. As used in this chapter, unless the context clearly requires otherwise, the following words and terms mean:

(1) “Accredited”, the official authorization or status granted by an agency for a program through a voluntary process;

(2) “Advanced practice **registered** nurse”, a nurse who has [had] education beyond the basic nursing education and is certified by a nationally recognized professional organization [as having a nursing specialty, or who meets criteria for advanced practice nurses established by the board of nursing. The board of nursing may promulgate rules specifying which professional nursing organization certifications are to be recognized as advanced practice nurses, and may set standards for education, training and experience required for those without such specialty certification to become advanced practice nurses] **as a certified nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or a certified clinical nurse specialist. The board shall promulgate rules specifying which nationally recognized professional organization certifications are to be recognized for the purposes of this section.** Advanced practice nurses and only such individuals may use the title “Advanced Practice Registered Nurse” and the abbreviation “APRN”;

(3) “Approval”, official recognition of nursing education programs which meet standards established by the board of nursing;

(4) “Board” or “state board”, the state board of nursing;

(5) “**Certified nurse practitioner**”, a registered nurse who is currently certified as a nurse practitioner by a nationally recognized certifying body approved by the board of nursing;

(6) “**Certified clinical nurse specialist**”, a registered nurse who is currently certified as a clinical nurse specialist by a nationally recognized certifying board approved by the board of nursing;

(7) “**Certified nurse midwife**”, a registered nurse who is currently certified as a nurse midwife by the American College of Nurse Midwives, or other nationally recognized certifying body approved by the board of nursing;

(8) “Certified registered nurse anesthetist”, a registered nurse who is currently certified as a nurse anesthetist by the Council on Certification of Nurse Anesthetists, the Council on Recertification of Nurse Anesthetists, or other nationally recognized certifying body approved by the board of nursing;

[(5)] **(9)** “Executive director”, a qualified individual employed by the board as executive secretary or otherwise to administer the provisions of this chapter under the board's direction. Such person employed as executive director shall not be a member of the board;

[(6)] **(10)** “Inactive nurse”, as defined by rule pursuant to section 335.061;

[(7)] **(11)** “Lapsed license status”, as defined by rule under section 335.061;

[(8)] **(12)** “Licensed practical nurse” or “practical nurse”, a person licensed pursuant to the provisions of this chapter to engage in the practice of practical nursing;

[(9)] **(13)** “Licensure”, the issuing of a license to practice professional or practical nursing to candidates who have met the specified requirements and the recording of the names of those persons as holders of a license to practice professional or practical nursing;

[(10)] **(14)** “Practical nursing”, the performance for compensation of selected acts for the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in normal health processes. Such performance requires substantial specialized skill, judgment and knowledge. All such nursing care shall be given under the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse. For the purposes of this chapter, the term “direction” shall mean guidance or supervision provided by a person licensed by a state regulatory board to prescribe medications and treatments or a registered professional nurse, including, but not limited to, oral, written, or otherwise communicated orders or directives for patient care. When practical nursing care is delivered pursuant to the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse, such care may be delivered by a licensed practical nurse without direct physical oversight;

[(11)] **(15)** “Professional nursing”, the performance for compensation of any act which requires substantial specialized education, judgment and skill based on knowledge and application of principles derived from the biological, physical, social and nursing sciences, including, but not limited to:

(a) Responsibility for the teaching of health care and the prevention of illness to the patient and his or her family;

(b) Assessment, nursing diagnosis, nursing care, and counsel of persons who are ill, injured or experiencing alterations in normal health processes;

(c) The administration of medications and treatments as prescribed by a person licensed by a state regulatory board to prescribe medications and treatments;

(d) The coordination and assistance in the delivery of a plan of health care with all members of a health team;

(e) The teaching and supervision of other persons in the performance of any of the foregoing;

[(12)] **(16)** A “registered professional nurse” or “registered nurse”, a person licensed pursuant to the provisions of this chapter to engage in the practice of professional nursing;

[(13)] **(17)** “Retired license status”, any person licensed in this state under this chapter who retires from

such practice. Such person shall file with the board an affidavit, on a form to be furnished by the board, which states the date on which the licensee retired from such practice, an intent to retire from the practice for at least two years, and such other facts as tend to verify the retirement as the board may deem necessary; but if the licensee thereafter reengages in the practice, the licensee shall renew his or her license with the board as provided by this chapter and by rule and regulation.

335.019. The board of nursing may grant a certificate of controlled substance prescriptive authority to an advanced practice registered nurse who:

(1) Submits proof of successful completion of an advanced pharmacology course that shall include preceptorial experience in the prescription of drugs, medicines and therapeutic devices; and

(2) Provides documentation of a minimum of three hundred clock hours preceptorial experience in the prescription of drugs, medicines, and therapeutic devices with a qualified preceptor; and

(3) Provides evidence of a minimum of one thousand hours of practice in an advanced practice nursing category prior to application for a certificate of prescriptive authority. The one thousand hours shall not include clinical hours obtained in the advanced practice nursing education program. The one thousand hours of practice in an advanced practice nursing category may include transmitting a prescription order orally or telephonically or to an inpatient medical record from protocols developed in collaboration with and signed by a licensed physician; and

(4) Has a controlled substance prescribing authority delegated in the collaborative practice arrangement under section 334.104, RSMo, with a physician who has an unrestricted federal Drug Enforcement Administration registration number and who is actively engaged in a practice comparable in scope, specialty, or expertise to that of the advanced practice registered nurse.”; and

Further amend said bill, page 59, section B, line 28 of said page, by striking “Section A” and inserting in lieu thereof the following: “The repeal and reenactment of sections 195.010, 195.017, and 195.417, and the enactment of sections 195.378, 195.381, 195.384, 195.387, 195.390, 195.393, 195.396, and 195.399”; and

Further amend the title and enacting clause accordingly.

Senator Green move that the above amendment be adopted, which motion prevailed.

Senator Champion moved that **SS for SCS for HCS for HB 1619**, as amended, be adopted, which motion prevailed.

On motion of Senator Champion, **SS for SCS for HCS for HB 1619**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Griesheimer moved that **HCS** for **HB 1779**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1779, Page 13, Section 319.025, Line 19 of said page, by inserting immediately after “RSMo” the following: “, **provided however, the provisions of this subsection shall not apply to railroad right of way owned or operated by a railroad**”.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Under the provisions of Senate Rule 91, Senator Ridgeway was excused from voting on the adoption of **SS** for **SCS** for **HCS** for **HB 1779** and the 3rd reading of the bill.

Senator Bray offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1779, Page 63, Section 392.245, Lines 2-3 of said page, by striking “companies that are” and inserting in lieu thereof the following: “**upon a finding that a company that is**”; and further amend line 3 of said page, by striking “and that have” and inserting in lieu thereof the following: “**has**”; and further amend line 5 of said page, by inserting after “competitive” the following: “, **the company**”; and further amend line 9 of said page, by inserting immediately after “company” the following: “, **provided that any annual increase in rates for residential basic local telecommunications service shall not exceed two dollars per line per month for a period of four years**”; and

Further amend said bill and section, page 69, line 15 of said page, by striking “and”; and further amend line 16 of said page, by striking “fifty cents”.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Griesheimer, **HCS** for **HB 1779**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Champion requested unanimous consent of the Senate to reconsider, in one vote, the votes by which the titling and perfecting motions, the third reading motion, and the motion to adopt the substitute

bill carried on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1619, as amended, which request was granted.

Having voted on the prevailing side, Senator Champion moved that the vote to lay on the table the motion to reconsider the vote by which Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1619, as amended passed; the vote by which the title was agreed to, the vote by which the bill was third read and finally passed, and the vote by which the Senate Substitute was adopted, be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

SS for SCS for HCS for HB 1619, as amended, was again taken up.

At the request of Senator Champion, **HCS for HB 1619**, with **SCS** and **SS for SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Griesheimer moved that **HCS for HB 1779**, with **SCS** and **SS for SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for SCS for HCS for HB 1779, as amended, was again taken up.

Senator Crowell assumed the Chair.

Senator Lager offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1779, Page 45, Section 386.020, Line 7 of said page, by inserting after all of said line the following:

“386.572. 1. No corporation, person, public utility, or municipality that owns any gas plant shall violate any law or any order, decision, decree, rule, direction, demand, or requirement of the commission or any part or portion thereof relating to federally mandated natural gas safety standards. Notwithstanding the above, a municipality that owns any gas plant shall be subject to the provisions of this section only for violations of natural gas safety laws, rules, or orders.

2. The maximum penalties for violations of federally mandated natural gas safety standards, or such stricter natural gas safety standards or rules as may be approved by the commission, shall not be greater than fifteen thousand dollars for each violation with a maximum penalty for a continuing violation or a multiple series of violations of the same standard or rule provision not to exceed one

hundred fifty thousand dollars, notwithstanding any provisions of subsection 1 of section 386.570 to the contrary. The maximum penalty for each violation shall increase to twenty thousand dollars, effective January 1, 2015, twenty-five thousand dollars, effective January 1, 2025, thirty thousand dollars, effective January 1, 2035, and forty thousand dollars, effective January 1, 2040. The maximum penalty for a continuing violation or a multiple series of violations of the same standard or rule provision shall increase to two hundred thousand dollars, effective January 1, 2015, two hundred fifty thousand dollars, effective January 1, 2025, three hundred thousand dollars, effective January 1, 2035, and four hundred thousand dollars, effective January 1, 2040. In determining the amount of the penalty, the commission shall consider the nature, circumstances, and gravity of the violation, and also shall consider, with respect to the entity found to have committed the violation:

- (1) The degree of culpability;
- (2) Any history of prior violations;
- (3) The effect of the penalty on the entity's ability to continue operation;
- (4) Any good faith effort in attempting to achieve compliance;
- (5) Ability to pay the penalty; and
- (6) Such other matters as are relevant in the case.

3. Every violation of a specific natural gas safety standard or rule by any corporation, person, public utility, or municipality that owns any gas plant is a separate and distinct offense, regardless of whether such violations relate to the same incident. In case of a continuing violation, each day's continuance thereof shall be a separate and distinct offense.

4. In construing and enforcing the provisions of this section, the act, omission, or failure of any officer, agent, or employee of any corporation, person, public utility, or municipality that owns any gas plant acting within the scope of official duties of employment shall in every case be considered the act, omission, or failure of such corporation, person, public utility, or municipality that owns any gas plant.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **HCS** for **HB 1779**, as amended, be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **HCS** for **HB 1779**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Gibbons referred **SS** for **SCS** for **HCS** for **HB 1779**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

REFERRALS

President Pro Tem Gibbons referred the Gubernatorial Appointments appearing on Pages 991 and 992 of the Senate Journal, to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **SB 841**, entitled:

An Act to repeal sections 304.180 and 304.190, RSMo, and to enact in lieu thereof three new sections relating to vehicle weight regulations.

With House Amendment No.1 and House Substitute Amendment No.1 for House Amendment No. 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 841, Page 6, Section 304.180, Line 100, by inserting after the second occurrence of the word “pounds” the following: “, **except as provided in subsection 9 of this section**”; and

Further amend said bill, Page 6, Section 304.180, Line 116, by inserting after all of said line the following:

“9. Notwithstanding subsections 3 and 6 of this section or any other provision of law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on U.S. Highway 36 from St. Joseph to U.S. Highway 65, and on U.S. Highway 65 from the Iowa state line to U.S. Highway 36.”; and

Further amend said bill, Pages 6 through 8, Section 304.190 by removing said section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 841, Section 304.190, Page 8, Line 50, by inserting immediately after all of said line the following:

“304.230. 1. It shall be the duty of the sheriff of each county or city to see that the provisions of sections 304.170 to 304.230 are enforced, and any peace officer or police officer of any county or city or any highway patrol officer shall have the power to arrest on sight or upon a warrant any person found violating or having violated the provisions of such sections.

2. The sheriff or any peace officer or any highway patrol officer is hereby given the power to stop any such conveyance or vehicle as above described upon the public highway for the purpose of determining whether such vehicle is loaded in excess of the provisions of sections 304.170 to 304.230, and if he or she finds such vehicle loaded in violation of the provisions thereof he or she shall have a right at that time and place to cause the excess load to be removed from such vehicle; and provided further, that any regularly employed maintenance man of the department of transportation shall have the right and authority in any part of this state to stop any such conveyance or vehicle upon the public highway for the purpose of determining whether such vehicle is loaded in excess of the provisions of sections 304.170 to 304.230, and if he or she finds such vehicle loaded in violation of the provisions thereof, he or she shall have the right at that time and place to cause the excess load to be removed from such vehicle. When only an axle or a tandem axle group of a vehicle is overloaded, the operator shall be permitted to shift the load, if this will not overload some other axle or axles, without being charged with a violation; provided, however, the privilege of shifting the weight without being charged with a violation shall not extend to or include vehicles while traveling on the federal interstate system of highways. When only an axle or tandem axle group of the vehicle traveling on the federal interstate system of highways is overloaded and a court authorized to

enforce the provisions of sections 304.170 to 304.230 finds that the overloading was due to the inadvertent shifting of the load changing axle weights in transit through no fault of the operator of the vehicle and that the load thereafter had been shifted so that no axle had been overloaded, then the court may find that no violation has been committed. The operator of any vehicle shall be permitted to back up and reweigh, or to turn around and weigh from the opposite direction. Any operator whose vehicle is weighed and found to be within five percent of any legal limit may request and receive a weight ticket, memorandum or statement showing the weight or weights on each axle or any combinations of axles. Once a vehicle is found to be within the limits of section 304.180 after having been weighed on any state scale and there is no evidence that any cargo or fuel has been added, no violation shall occur, but a presumption shall exist that cargo or fuel has been added if upon reweighing on another state scale the total gross weight exceeds the applicable limits of section 304.180 or 304.190. The highways and transportation commission of this state may deputize and appoint any number of their regularly employed maintenance men to enforce the provisions of such sections, and the maintenance men delegated and appointed in this section shall report to the proper officers any violations of sections 304.170 to 304.230 for prosecution by such proper officers.

3. The superintendent of the Missouri state highway patrol may assign qualified persons who are not highway patrol officers to supervise or operate permanent or portable weigh stations used in the enforcement of commercial vehicle laws. These persons shall be designated as commercial vehicle inspectors and have limited police powers:

(1) To issue uniform traffic tickets at a permanent or portable weigh station for violations of rules and regulations of the division of motor carrier and railroad safety of the department of economic development and department of public safety, and laws, rules, and regulations pertaining to commercial motor vehicles and trailers and related to size, weight, fuel tax, registration, equipment, driver requirements, transportation of hazardous materials and operators' or chauffeurs' licenses, and the provisions of sections 303.024 and 303.025, RSMo;

(2) To require the operator of any commercial vehicle to stop and submit to a vehicle and driver inspection to determine compliance with commercial vehicle laws, rules, and regulations, the provisions of sections 303.024 and 303.025, RSMo, and to submit to a cargo inspection when reasonable grounds exist to cause belief that a vehicle is transporting hazardous materials as defined by Title 49 of the Code of Federal Regulations;

(3) To make arrests for violation of subdivisions (1) and (2) of this subsection. Commercial vehicle inspectors shall not have the authority to exercise the powers granted in subdivisions (1), (2) and (3) of this subsection until they have successfully completed training approved by the superintendent of the Missouri state highway patrol; nor shall they have the right as peace officers to bear arms.

4. The superintendent of the Missouri state highway patrol may appoint qualified persons, who are not members of the highway patrol, designated as commercial vehicle enforcement officers, with the powers:

(1) To issue uniform traffic tickets for violations of laws, rules and regulations pertaining to commercial vehicles, trailers, special mobile equipment and drivers of such vehicles, and the provisions of sections 303.024 and 303.025, RSMo;

(2) To require the operator of any commercial vehicle to stop and submit to a vehicle and driver inspection to determine compliance with commercial vehicle laws, rules, and regulations, compliance with the provisions of sections 303.024 and 303.025, RSMo, and to submit to a cargo inspection when reasonable grounds exist to cause belief that a vehicle is transporting hazardous materials as defined by Title 49 of the Code of Federal Regulations;

(3) To make arrests upon warrants and for violations of subdivisions (1) and (2) of this subsection. Commercial vehicle enforcement officers shall not have the authority to exercise the powers granted in subdivisions (1), (2) and (3) of this subsection until they have successfully completed training approved by the superintendent of the Missouri state highway patrol. Commercial vehicle enforcement officers shall have the right as peace officers to bear arms.

5. Any additional employees needed for the implementation of this section shall be hired in conformity with the provisions of the federal fair employment and antidiscrimination acts.

6. Any part of this section which shall be construed to be in conflict with the axle or tandem axle load limits permitted by the Federal-Aid Highway Act, Section 127 of Title 23 of the United States Code (Public Law 85-767, 85th Congress) shall be null, void and of no effect.

7. The superintendent may also appoint members of the patrol who are certified under the commercial vehicle safety alliance with the power to conduct commercial motor vehicle and driver inspections and to require the operator of any commercial vehicle to stop and submit to said inspections to determine compliance with commercial vehicle laws, rules, and regulations, compliance with the provisions of sections 303.024 and 303.025, RSMo, and to submit to a cargo inspection when reasonable grounds exist to cause belief that a vehicle s transporting hazardous materials as defined by Title 49 of the Code of Federal Regulations.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 748**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 944**.

Emergency clause defeated.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 931**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 931**, as amended. Representatives: Munzlinger, Dethrow, Wells, Witte and Aull.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 931**, as amended: Senators Purgason, Clemens, Goodman, Barnitz and Shoemyer.

HOUSE BILLS ON THIRD READING

Senator Champion moved that **HCS** for **HB 1619**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Champion, **SS** for **SCS** for **HCS** for **HB 1619**, as amended, was withdrawn.

Senator Champion offered **SS No. 2** for **SCS** for **HCS** for **HB 1619**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1619

An Act to repeal sections 195.010, 195.017, 195.070, 195.100, 195.417, 334.104, and 335.016, RSMo, and to enact in lieu thereof sixteen new sections relating to monitoring of drugs, with penalty provisions and an effective date.

Senator Champion moved that **SS No. 2** for **SCS** for **HCS** for **HB 1619** be adopted.

Senator Champion offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1619, Page 62, Section 334.104, Line 22 of said page, by striking “197.017” and inserting in lieu thereof the following: “**195.017**”.

Senator Champion moved that the above amendment be adopted, which motion prevailed.

Senator Mayer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1619, Page 74, Section 335.016, Line 4 of said page, by inserting immediately after said line the following:

“338.650. There is hereby established in the state treasury the “Pharmacy Rebates Fund”. Any revenues received by the state, either directly or indirectly, from pharmaceutical manufacturer rebates as required by federal law or state supplemental rebates as defined in state plan amendments shall be deposited into the pharmacy rebates fund and shall be used only in the MO HealthNet pharmacy program or its successor programs authorized under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, 42 U.S.C. Section 301 et seq.”; and

Further amend the title and enacting clause accordingly.

Senator Mayer moved that the above amendment be adopted, which motion prevailed.

Senator Champion moved that **SS No. 2** for **SCS** for **HCS** for **HB 1619**, as amended, be adopted, which

motion prevailed.

On motion of Senator Champion, **SS No. 2** for **SCS** for **HCS** for **HB 1619**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Lager assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 1170**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1170**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1170

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the rebuild Missouri schools program, with an emergency clause.

Was taken up.

Senator Mayer moved that **SCS** for **SB 1170** be adopted.

Senator Smith offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1170, Page 1, In the Title, Line 2, by striking the following: “the”; and further amend the title, line 3, by striking the following: “rebuild Missouri schools program” and insert in lieu thereof the following: “elementary and secondary education”; and

further amend said bill, page 1, section A, line 2, by inserting after said line the following:

“160.410. 1. A charter school shall enroll:

(1) All pupils resident in the district in which it operates;

(2) Nonresident pupils eligible to attend a district's school under an urban voluntary transfer program;
[and]

(3) In the case of a charter school whose mission includes student drop-out prevention or recovery, a nonresident pupil from the same or an adjacent county who submits a timely application; and

(4) In the case of a workplace charter school, any student eligible to attend under subdivision (1) or (2) of this subsection whose parent is employed in the business district, who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. The configuration of a business district shall be set forth in the charter and shall not be construed to create an undue advantage for a single employer or small number of employers.

2. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education; [and]

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school or in the case of a workplace charter school, a child whose parent is employed in the business district or at the business site of such school; **and**

(3) A charter school whose mission includes student drop-out prevention or recovery as described in subdivision (3) of subsection 1 of this section shall give preference for admission to resident pupils over nonresident pupils.

3. A charter school shall not limit admission based on race, ethnicity, national origin, disability, gender, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level.

4. The department of elementary and secondary education shall commission a study of the performance of students at each charter school in comparison with a comparable group and a study of the impact of charter schools upon the districts in which they are located, to be conducted by a contractor selected through a request for proposal. The department of elementary and secondary education shall reimburse the contractor from funds appropriated by the general assembly for the purpose. The study of a charter school's student performance in relation to a comparable group shall be designed to provide information that would allow parents and educators to make valid comparisons of academic performance between the charter school's students and a group of students comparable to the students enrolled in the charter school. The impact study shall be undertaken every two years to determine the effect of charter schools on education stakeholders in the districts where charter schools are operated. The impact study may include, but is not limited to, determining if changes have been made in district policy or procedures attributable to the charter school and to perceived changes in attitudes and expectations on the part of district personnel, school board members, parents, students, the business community and other education stakeholders. The department of elementary and secondary education shall make the results of the studies public and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter schools, the school board and

superintendent of the districts in which the charter schools are operated.

5. A charter school shall make available for public inspection, and provide upon request, to the parent, guardian, or other custodian of any school-age pupil resident in the district in which the school is located the following information:

- (1) The school's charter;
- (2) The school's most recent annual report card published according to section 160.522; and
- (3) The results of background checks on the charter school's board members.

The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026, RSMo, for furnishing copies of documents under this subsection.”; and

further amend said bill, page 4, section B, line 2, by striking the following: “A of this act” and insert in lieu thereof the following: “160.459”; and

further amend said bill and section, line 5, by striking the following: “A of this act” and insert in lieu thereof the following: “160.459”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted.

Senator Mayer raised the point of order that **SA 1** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Mayer moved that **SCS** for **SB 1170** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SB 1170** was declared perfected and ordered printed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HBs 1595** and **1668**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1550**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1923**, begs leave to report that it has considered the same and recommends that the bill do pass.

RESOLUTIONS

Senator Griesheimer offered Senate Resolution No. 2533, regarding Landon Anderson and Josh

Jennings, Wright City, which was adopted.

Senator Koster offered Senate Resolution No. 2534, regarding the Yeokum Middle School Gifted English class, Belton, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Barnitz introduced to the Senate, Gary Young, Tim Belshe, Amanda Engelkey and eleventh grade students from Waynesville High School.

Senator Shoemyer introduced to the Senate, Megan Roberts, Lynn Turner and fourth grade students from Paris Elementary School.

Senator Stouffer introduced to the Senate, Teri Haack and Stacy Pierson, Kaitlin Rundel and Jennifer Hill, students from Central Methodist University, Fayette.

Senator Mayer introduced to the Senate, Derek Spencer and Mitchell Davis, Poplar Bluff.

Senator McKenna introduced to the Senate, Billyo O'Donnell and his wife, Peggy, Eureka; and Karen Glines.

Senator Bray introduced to the Senate, Coach Cory Frazier and members of the Class 3 State Champion Maplewood-Richmond Heights High School Blue Devils boys basketball team.

Senator Scott introduced to the Senate, Coach Gary Keeling and Casey Garrison, Crystal Guiot, Lindsay Archer, Brooke Hale, Andrea Porter, Rachel Sawyer, Hayley Blair, Katy Roweton, Lindsey Lehman, Jessica Rumpfelt, Rachel Schraeder and Julie Lollar, members of the Class 4 State Championship Bolivar High School Lady Basketball Liberators.

Senator Shoemyer introduced to the Senate, Mrs. Novinger and fourth grade students from North Shelby Elementary School, Shelbyville.

Senator Wilson introduced to the Senate, members of Big Brothers Big Sisters Amachi Missouri.

Senator McKenna introduced to the Senate, fourth grade students from Antonia Elementary School.

Senator Koster introduced to the Senate, Tyler Williams, Sam Larson and Emily Bates, Garden City.

Senator Shoemyer introduced to the Senate, Steve Wright and his daughter, Sabrina, Paris.

On behalf of Senator Gibbons and himself, Senator Kennedy introduced to the Senate, fourth grade students from Crestwood Elementary School, St. Louis.

Senator Goodman introduced to the Senate, sixth, seventh and eighth grade students from Pierce City Middle School.

Senator Scott introduced to the Senate, his aunt and uncle, Noel and Betty Scott, Lowry City.

On motion of Senator Goodman, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTIETH DAY—WEDNESDAY, APRIL 30, 2008

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)

SCS for SB 865-Rupp and Gibbons

HOUSE BILLS ON THIRD READING

HCS for HB 2393, with SCS (Shields)
(In Fiscal Oversight)
HB 1678-Day, et al (Stouffer)
(In Fiscal Oversight)
HB 1532-Davis, with SCS (Rupp)

HCS for HB 1393 (Ridgeway)
HCS for HBs 1595 & 1668
HCS for HB 1550
HB 1923-Jones (117) and Pratt

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS
SB 713-Gibbons, with SCS
SB 716-Loudon, et al
SB 717-Kennedy and Shields
SB 729-Griesheimer, with SCS
SB 749-Ridgeway, with SCS
SB 756-Engler and Rupp, with SCS (pending)
SB 776-Justus and Koster, with SCS
SB 809-Stouffer, with SCS, SS for SCS &
SA 1 (pending)
SB 811-Stouffer, with SCS, SA 1 & point
of order (pending)
SB 815-Goodman
SB 821-Shoemyer, with SCS (pending)
SBs 840 & 857-Engler, with SCS & SS for
SCS (pending)
SB 861-Shoemyer, with SCS
SB 874-Graham, with SCS

SB 877-Mayer
SB 881-Green
SB 904-Griesheimer, with SCS
SBs 909, 954, 934 & 1003-Engler, with SCS
SB 915-Ridgeway
SB 917-Goodman, et al
SB 929-Green and Callahan, with SCS
SB 957-Goodman
SBs 982, 834 & 819-Purgason, with SCS
SB 990-Champion
SBs 993 & 770-Crowell, with SCS, SS for
SCS, SA 4 & SSA 1 for SA 4 (pending)
SB 996-Crowell, with SCS
SB 997-Crowell
SB 1000-Justus
SB 1007-Loudon, with SA 2 (pending)
SBs 1021 & 870-Loudon, et al, with SCS,
SS for SCS & SA 2 (pending)

SB 1035-Scott, with SCS
 SB 1046-Mayer, with SA 1 & SSA 1 for
 SA 1 (pending)
 SB 1052-Rupp
 SB 1054-Dempsey, with SCS
 SB 1057-Scott, with SCS
 SB 1058-Mayer
 SB 1067-Ridgeway, et al
 SB 1077-Goodman, with SS (pending)
 SB 1093-Loudon, et al
 SB 1094-Loudon, with SCS
 SB 1099-Graham, with SA 1 (pending)
 SB 1101-Bray, et al
 SB 1103-Gibbons

SB 1138-McKenna, with SCS
 SB 1158-Mayer, with SCS
 SB 1164-Loudon
 SB 1180-Crowell
 SB 1183-Bray, with SCS
 SB 1194-Goodman
 SB 1197-Crowell
 SBs 1234 & 1270-Shields, with SCS & SS#2
 for SCS (pending)
 SB 1240-Dempsey
 SB 1244-Barnitz and Purgason
 SB 1275-Vogel
 SB 1278-Shields
 SJR 43-Loudon

HOUSE BILLS ON THIRD READING

HCS for HB 1341 (Nodler)
 HB 1384 & HB 2157-Cox, et al, with SCS
 (Gibbons)
 HB 1617-Cunningham (86), et al (Dempsey)
 HB 1656-Nance and Cooper (155), with SCS
 (Stouffer)
 HB 1661-LeVota, et al (Ridgeway)
 HB 1711-Weter, et al, with SCS (Clemens)
 HCS for HB 1715, with SCS
 HCS for HB 1763 (Engler)
 SS for SCS for HCS for HB 1779
 (Griesheimer) (In Fiscal Oversight)

HCS for HBs 1876 & 1877, with SCS (Mayer)
 HB 1937-Pearce, et al, with SCS (Scott)
 HB 1973-Franz, with SCS (Engler)
 HB 1983-Pratt, with SCS (Goodman)
 HCS for HB 2068 (Scott)
 HCS for HB 2104, HB 1574, HB 1706, HCS
 for HB 1774, HB 2055 & HCS for
 HB 2056, with SCS (Crowell)
 HB 2226-Muschany (Rupp)
 HCS for HJR 55

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)
 HB 1670-Cooper (120) (Dempsey)
 HB 1828-Sutherland (Vogel)
 HCS for HB 1804, with SCS (Days)
 HB 2047-Curls, et al, with SCS (Callahan)
 HB 1410-Flook, et al (Ridgeway)
 HCS for HB 1888 (Clemens)

HB 1368-Thomson (Lager)
 HCS for HB 1807, with SCS (Mayer)
 HB 1869-Wilson (130), et al (Goodman)
 HCS for HB 2048, with SCS (Engler)
 HB 2213-Kraus, et al (Shields)
 HB 1422-St. Onge, et al, with SCS
 (Stouffer)

HB 1354-Wilson (119), et al (Scott)
HCS for HB 1575 (Vogel)
HB 1952-Loehner, et al (Barnitz)
HB 1887-Parson (Scott)

HCS for HB 2360 (Lager)
HB 1311-Hoskins, with SCS (Engler)
HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin (Ridgeway)
HB 2065-Wasson, with SCS (Scott)
HB 1450-Roord, et al, with SCS (McKenna)
HB 2233-Page, et al (Shields)

HB 1419-Portwood (Loudon)
HB 1791-Cooper (155), et al (Barnitz)
HB 1689-Wilson (130), with SCS (Scott)
HCS for HB 1690, with SCS (Scott)

Reported 4/15

HCS for HB 1380 (Goodman)
HCS for HB 2036 (Stouffer)
HB 1946-Franz, with SCS (Champion)
HB 1849-Pratt and Curls (Justus)
HB 1640-Schoeller, et al, with SCS (Goodman)
HB 1570-Franz, with SCS (Champion)
HB 1469-Pratt (Goodman)

HB 1710-Flook (Ridgeway)
HCS for HB 1783 (Engler)
HB 1784-Meadows, et al (McKenna)
HB 1313-Wright, et al (Mayer)
HCS for HB 1893 (Dempsey)
HB 1881-Schlottach (Kennedy)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 841-Stouffer, with HCS, as amended

SCS for SB 939-Stouffer, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 931-Purgason, with
HCS, as amended
HCS for HB 2002, with SCS (Nodler)
HCS for HB 2003, with SCS (Nodler)
HB 2004, with SCS (Nodler)
HCS for HB 2005, with SCS (Nodler)
HCS for HB 2006, with SCS (Nodler)

HCS for HB 2007, with SCS (Nodler)
HCS for HB 2008, with SCS (Nodler)
HCS for HB 2009, with SCS (Nodler)
HCS for HB 2010, with SCS (Nodler)
HCS for HB 2011, with SCS (Nodler)
HCS for HB 2012, with SCS (Nodler)
HCS for HB 2013, with SCS (Nodler)

Requests to Recede or Grant Conference

SB 958-Goodman, with HCS (Senate
requests House recede or grant conference)

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Journal of the Senate

SECOND REGULAR SESSION

SIXTIETH DAY—WEDNESDAY, APRIL 30, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“(Contemplation) is..life itself, fully awake, fully active, fully aware that it is alive. It is spiritual wonder. It is spontaneous awe at the sacredness of life, of being.” (Thomas Merton)

Almighty God, help us to take time each day for contemplation that we might be fully alive to Your presence and to the preciousness of life and living in each moment fully. Help us to be aware of the sacredness of all life and those that we share it with. Help us be Your person in the task that You have for us each day in all that is expected of us. And help us be still and know that You are God. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Lager assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Days offered Senate Resolution No. 2535, regarding Meltoya Jones, St. Louis, which was adopted.

Senator Days offered Senate Resolution No. 2536, regarding the Sixtieth Birthday of Chester A. Deanes, Jr., St. Louis, which was adopted.

Senator Days offered Senate Resolution No. 2537, regarding Maribel Ramos, Jefferson City, which was adopted.

Senator Stouffer offered Senate Resolution No. 2538, regarding Chris Sweeney, Carrollton, which was adopted.

Senator Stouffer offered Senate Resolution No. 2539, regarding Debbie Lueders, Carrollton, which was adopted.

Senator Stouffer offered Senate Resolution No. 2540, regarding Dorothy F. Brice, Tina, which was adopted.

Senator Stouffer offered Senate Resolution No. 2541, regarding Barbara Dearing, Carrollton, which was adopted.

Senator Stouffer offered Senate Resolution No. 2542, regarding Darla Snider, Carrollton, which was adopted.

Senator Stouffer offered Senate Resolution No. 2543, regarding Sharon Mathiott, which was adopted.

Senator Stouffer offered Senate Resolution No. 2544, regarding Jerri Carter, which was adopted.

Senator Stouffer offered Senate Resolution No. 2545, regarding Janet Crowley, which was adopted.

Senator Gibbons offered Senate Resolution No. 2546, regarding Hixson Middle School, St. Louis County, which was adopted.

Senator Stouffer offered Senate Resolution No. 2547, regarding Giny Lebold, which was adopted.

Senator Stouffer offered Senate Resolution No. 2548, regarding Eleanor Aversman, which was adopted.

Senator Stouffer offered Senate Resolution No. 2549, regarding Jean Edwards, which was adopted.

Senator Smith offered Senate Resolution No. 2550, regarding New City School's River Kids, which was adopted.

Senator Graham offered Senate Resolution No. 2551, regarding Patsy Weldon, which was adopted.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HBs 1595** and **1668**; **HCS** for **HB 1550**; and **HB 1923** to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Nodler requested unanimous consent of the Senate to suspend the rules for the purpose of allowing the conferees on **SCS** for **HCS** for **HB 2002**; **SCS** for **HCS** for **HB 2003**; **SCS** for **HB 2004**; **SCS** for **HCS** for **HB 2005**; **SCS** for **HCS** for **HB 2006**; **SCS** for **HCS** for **HB 2007**; **SCS** for **HCS** for **HB 2008**;

SCS for HCS for HB 2009; SCS for HCS for HB 2010; SCS for HCS for HB 2011; SCS for HCS for HB 2012; and SCS for HCS for HB 2013 to meet while the Senate is in session, which request was granted.

REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS for SCS for HCS for HB 1779** and **HB 1678**, begs leave to report that it has considered the same and recommends that the bills do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS for HB 1904**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

HOUSE BILLS ON THIRD READING

Senator Griesheimer moved that **SS for SCS for HCS for HB 1779**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for SCS for HCS for HB 1779, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Bray—1

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1678, introduced by Representative Day, et al, entitled:

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the interstate compact on educational opportunity for military children.

Was taken up by Senator Stouffer.

Senator Stouffer offered **SS** for **HB 1678**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 1678

An Act to repeal sections 41.1010, 42.007, 160.053, 160.518, 168.021, 170.011, and 620.515, RSMo, and to enact in lieu thereof nine new sections relating to members of the military and their families.

Senator Stouffer moved that **SS** for **HB 1678** be adopted.

Senator Kennedy offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 1678, Page 52, Section 170.011, Line 10, by inserting immediately after said line the following:

“170.132. All public elementary, secondary and postsecondary schools [shall preferentially procure] **have the right to transcribe, reproduce, modify, and distribute** educational materials, including textbooks and collateral materials, [from vendors who make the materials available in either Braille format or electronic format which is computer-readable in a form approved by the department of elementary and secondary education, or both, at no greater cost than for regular materials] **in specialized formats solely for use by students with disabilities who are entitled to such formats under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, 20 U.S.C. 794.”**; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Stouffer raised the point of order that **SA 1** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Coleman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 1678, Page 56, Section 173.234, Line 18, by inserting immediately after all of said line the following “**173.900. 1. This act shall be known and may be cited as the "Missouri Returning Heroes' Education Act"**.”

2. For the purpose of this section, the term "combat veteran" shall mean a person who served in armed combat in the military after September 11, 2001, and to whom the following criteria shall apply:

- (1) The veteran was a Missouri resident when first entering the military; and**
- (2) The veteran was discharged from military service under honorable conditions.**

3. All public institutions of higher education that receive any state funds appropriated by the general assembly shall limit the amount of tuition such institutions charge to combat veterans to fifty dollars per credit hour, as long as the veteran achieves and maintains a cumulative grade point average of at least two and one-half on a four point scale, or its equivalent. The tuition limitation shall

only be applicable if the combat veteran is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. The period during which a combat veteran is eligible for a tuition limitation under this section shall expire at the end of the ten-year period beginning on the date of such veteran's last discharge from service.

4. The coordinating board for higher education shall ensure that all applicable institutions of higher education in this state comply with the provisions of this section and may promulgate rules for the efficient implementation of this section.

5. If a combat veteran is eligible to receive financial assistance under any other federal or state student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the veteran. The tuition limitation under this section shall be provided after all other federal and state aid for which the veteran is eligible has been applied, and no combat veteran shall receive more than the actual cost of attendance when the limitation is combined with other aid made available to such veteran.

6. Each institution may report to the board the amount of tuition waived in the previous fiscal year under the provisions of this act. This information may be included in each institution's request for appropriations to the board for the following year. The board may include this information in its appropriations recommendations to the governor and the general assembly. The general assembly may reimburse institutions for the cost of the waiver for the previous year as part of the operating budget. Nothing in this subsection shall be construed to deny a combat veteran a tuition limitation if the general assembly does not appropriate money for reimbursement to an institution.

7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void."

And further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Shields assumed the Chair.

Senator Graham offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Bill No. 1678, Page 56, Section 173.234, Line 18, by inserting immediately after said line the following:

"173.256. 1. The department of higher education shall collect and distribute funds for the kids' chance scholarship pursuant to section 173.254, however, the department shall not distribute the corpus provided by section 173.258. **The department may distribute any accrued interest in the fund as scholarships after the second Monday in October of 2008.**

2. There is hereby created in the state treasury the "Kids' Chance Scholarship Fund", which shall consist of all moneys deposited in the fund pursuant to section 173.258 and all moneys which may be

appropriated to it by the general assembly, from federal or other sources, including private donations. Upon termination of the fund, all moneys in the fund shall be transferred for the use of the division of workers' compensation for deposit in the fund created by virtue of section 287.690, RSMo.

3. The state treasurer shall administer the fund and credit all interest to the fund and the moneys in the fund shall be used solely upon appropriation by the department for the expenses of carrying out its duties pursuant to this section.

4. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end of the biennium.

173.258. The director of the division of workers' compensation shall deposit fifty thousand dollars from the premium tax collected pursuant to section 287.690, RSMo, on the second Monday in October of each year beginning in 1999 until [2008] **2018** into the kids' chance scholarship fund.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Stouffer raised the point of order that **SA 3** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Lager assumed the Chair.

Senator Koster offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Bill No. 1678, Page 56, Section 173.234, Line 18, by inserting immediately after said line the following:

“452.412. A party's absence, relocation, or failure to comply with custody and visitation orders shall not, by itself, be sufficient to justify a modification of a custody or visitation order if the reason for the absence, relocation, or failure to comply is the party's activation to military service and deployment out-of-state.”; and

Further amend the title and enacting clause accordingly.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Wilson offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Bill No. 1678, Page 1, In the Title, Line 5, by striking the word “and” and inserting in lieu thereof a comma “,”; and further amend said line, by inserting immediately after “families” the following: “and education”; and

Further amend said bill, page 13, section 160.518, line 24 of said page, by inserting immediately after said line the following:

“160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

2. “Bullying” means intimidation or harassment that causes a reasonable student to fear for his or her

physical safety or property. Bullying may consist of physical actions, including gestures, or oral, **cyberbullying, electronic**, or written communication, and any threat of retaliation for reporting of such acts.

3. Each district's antibullying policy shall be founded on the assumption that all students need a safe learning environment. Policies shall treat students equally and shall not contain specific lists of protected classes of students who are to receive special treatment. Policies may include age appropriate differences for schools based on the grade levels at the school. Each such policy shall contain a statement of the consequences of bullying.

4. Each district's antibullying policy shall require district employees to report any instance of bullying of which the employee has firsthand knowledge. The district policy shall address training of employees in the requirements of the district policy.”; and

Further amend the title and enacting clause accordingly.

Senator Wilson moved that the above amendment be adopted.

Senator Stouffer raised the point of order that **SA 5** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

At the request of Senator Stouffer, **HB 1678**, with **SS**, as amended (pending), was placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Scott.

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 2552, regarding Melanie DiLeo, which was adopted.

Senator Kennedy offered Senate Resolution No. 2553, regarding Dr. Katie Wright, which was adopted.

Senator Kennedy offered Senate Resolution No. 2554, regarding Katherine Anderson, which was adopted.

Senator Kennedy offered Senate Resolution No. 2555, regarding Debra Hollingsworth, which was adopted.

Senator Kennedy offered Senate Resolution No. 2556, regarding Dr. Celerstine Johnson, which was adopted.

Senator Kennedy offered Senate Resolution No. 2557, regarding Amy Gill, which was adopted.

Senator Kennedy offered Senate Resolution No. 2558, regarding Ruth Smith, which was adopted.

Senator Kennedy offered Senate Resolution No. 2559, regarding Margaret Dyer, which was adopted.

Senator Kennedy offered Senate Resolution No. 2560, regarding Kathy Osborn, which was adopted.

Senator Kennedy offered Senate Resolution No. 2561, regarding Dr. Amanda Murphy, which was adopted.

Senator Kennedy offered Senate Resolution No. 2562, regarding April Ford-Griffin, which was adopted.

Senator Kennedy offered Senate Resolution No. 2563, regarding Bonita Cornute, which was adopted.

Senator Graham offered Senate Resolution No. 2564, regarding Bonnie Durk, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 863**, entitled:

An Act to repeal sections 166.425 and 166.435, RSMo, and to enact in lieu thereof two new sections relating to the income tax deduction for contributions to the Missouri higher education savings program.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1074**, entitled:

An Act to repeal section 429.015, RSMo, and to enact in lieu thereof one new section relating to liens for architects, professional engineers, land surveyors, and landscape architects.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 1074, Section 429.015, Page 2, Line 22, by inserting after the word, “engineering” the words, “, **landscape architecture**,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 1074, Page 1, Section A, Line 2 by inserting after said line the following:

“429.010. 1. Any person who shall do or perform any work or labor upon land, rent any machinery or equipment, or use any rental machinery or equipment, or furnish any material, fixtures, engine, boiler or machinery for any building, erection or improvements upon land, or for repairing, grading, excavating, or filling of the same, or furnish and plant trees, shrubs, bushes or other plants or provides any type of landscaping goods or services or who installs outdoor irrigation systems under or by virtue of any contract with the owner or proprietor thereof, or his or her agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, RSMo, upon complying with the provisions of sections 429.010 to 429.340, shall have for his or her work or labor done, machinery or equipment rented or materials, fixtures, engine, boiler, machinery, trees, shrubs, bushes or other plants furnished, or any type of landscaping goods or services provided, a lien upon such building, erection or improvements, and upon the land belonging to such owner or proprietor on which the same are situated, to the extent of three acres; or if such building, erection or

improvements be upon any lot of land in any town, city or village, or if such building, erection or improvements be for manufacturing, industrial or commercial purposes and not within any city, town or village, then such lien shall be upon such building, erection or improvements, and the lot, tract or parcel of land upon which the same are situated, and not limited to the extent of three acres, to secure the payment of such work or labor done, machinery or equipment rented, or materials, fixtures, engine, boiler, machinery, trees, shrubs, bushes or other plants or any type of landscaping goods or services furnished, or outdoor irrigation systems installed **and reasonable attorney's fees and costs to perfect the lien in any case where the perfected lien is at least ninety percent of the original lien filed; in any case where the lien filed is determined to not be valid or is less than fifty percent of the original amount filed, the petitioner shall pay the defendants attorney's fees and costs**; except that if such building, erection or improvements be not within the limits of any city, town or village, then such lien shall be also upon the land to the extent necessary to provide a roadway for ingress to and egress from the lot, tract or parcel of land upon which such building, erection or improvements are situated, not to exceed forty feet in width, to the nearest public road or highway. Such lien shall be enforceable only against the property of the original purchaser of such plants unless the lien is filed against the property prior to the conveyance of such property to a third person. For claims involving the rental of machinery or equipment to others who use the rental machinery or equipment, the lien shall be for the reasonable rental value of the machinery or equipment during the period of actual use and any periods of nonuse taken into account in the rental contract, while the machinery or equipment is on the property in question.

2. There shall be no lien involving the rental of machinery or equipment unless:

(1) The improvements are made on commercial property;

(2) The amount of the claim exceeds five thousand dollars; and

(3) The party claiming the lien provides written notice within five business days of the commencement of the use of the rental machinery or equipment to the property owner that rental machinery or equipment is being used upon their property. Such notice shall identify the name of the entity that rented the machinery or equipment, the machinery or equipment being rented, and the rental rate.

Nothing contained in this subsection shall apply to persons who use rented machinery or equipment in performing the work or labor described in subsection 1 of this section.”; and

Further amend said bill, Page 2, Section 429.015, Line 20 by inserting after the word “performed” the following:

“and reasonable attorney's fees and costs to perfect the lien in any case where the perfected lien is at least ninety percent of the original lien filed; in any case where the lien filed is determined to not be valid or is less than fifty percent of the original amount filed, the petitioner shall pay the defendants attorney's fees and costs”; and

Further amend said bill, Page 2, Section 429.015, Line 31 by inserting after the word “aforesaid” the following:

“and reasonable attorney's fees and costs to perfect the lien in any case where the perfected lien is at least ninety percent of the original lien filed; in any case where the lien filed is determined to not be valid or is less than fifty percent of the original amount filed, the petitioner shall pay the defendants attorney's fees and costs”; and

Further amend said bill, Page 2, Section 429.015, Line 44 by inserting after the word “performed” the following:

“and reasonable attorney's fees and costs to perfect the lien in any case where the perfected lien is at least ninety percent of the original lien filed; in any case where the lien filed is determined to not be valid or is less than fifty percent of the original amount filed, the petitioner shall pay the defendants attorney's fees and costs”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1140**, entitled:

An Act to repeal sections 33.103 and 37.005, RSMo, and to enact in lieu thereof two new sections relating to the office of administration, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 29, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Timothy W. Bonno to the Seismic Safety Commission, submitted on April 28, 2008. Line 4 should be amended as follows:

“qualified; vice, Michael Marx, resigned.”

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above addendum to the Committee on Gubernatorial Appointments.

PRIVILEGED MOTIONS

Senator Stouffer moved that **SCS** for **SB 939**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 939**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 939

An Act to repeal sections 242.230, 242.430, 242.500, 245.020, 245.105, 245.175, 245.197, and 246.305, RSMo, and to enact in lieu thereof eight new sections relating to certain district taxes.

Was taken up.

Senator Stouffer moved that **HCS** for **SCS** for **SB 939** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Clemens	Coleman	Dempsey	Engler	Gibbons
Goodman	Graham	Green	Justus	Kennedy	Koster	Mayer	McKenna
Nodler	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—25

NAYS—Senators

Bartle	Crowell	Lager	Loudon	Purgason	Ridgeway—6
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Absent—Senators

Champion	Days—2
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Absent with leave—Senator Griesheimer—1

Vacancies—None

On motion of Senator Stouffer, **HCS** for **SCS** for **SB 939** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Justus	Kennedy	Koster
Mayer	McKenna	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer

Vogel
Wilson—26

NAYS—Senators

Bartle	Crowell	Lager	Loudon	Nodler	Purgason	Ridgeway—7
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Absent—Senators—None

Absent with leave—Senator Griesheimer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Stouffer moved that the Senate refuse to concur in **HCS** for **SB 841**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which

motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Stouffer moved that **HB 1678**, with **SS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HB 1678**, as amended, was again taken up.

Senator Stouffer moved that **SS** for **HB 1678**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **HB 1678**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Griesheimer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1711, with **SCS**, introduced by Representative Weter, et al, entitled:

An Act to repeal section 190.335, RSMo, and to enact in lieu thereof one new section relating to emergency service boards.

Was called from the Informal Calendar and taken up by Senator Clemens.

SCS for **HB 1711**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1711

An Act to repeal sections 190.335, 321.015, and 321.200, RSMo, and to enact in lieu thereof five new sections relating to public services provided by political subdivisions.

Was taken up.

Senator Clemens moved that **SCS** for **HB 1711** be adopted.

Senator Clemens offered **SS** for **SCS** for **HB 1711**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1711

An Act to repeal sections 44.090, 48.030, 72.080, 94.900, 94.902, 96.160, 190.094, 190.335, 231.444, 321.015, and 321.200, RSMo, and to enact in lieu thereof eighteen new sections relating to political subdivisions, with an emergency clause for a certain section.

Senator Clemens moved that **SS** for **SCS** for **HB 1711** be adopted.

Senator Kennedy offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1711, Page 17, Section 72.080, Line 18 of said page, by inserting immediately after said line the following:

“82.516. For such services as supervisor of parking meters, the city treasurer may receive the sum of [sixteen] **twenty-four** thousand dollars per year from the parking fund, as approved by the parking commission.”; and

Further amend said bill, page 42, section 231.444, line 8 of said page, by inserting immediately after said line the following:

“311.178. 1. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises in a county of the first classification having a charter form of government and not containing all or part of a city with a population of over three hundred thousand may apply to the supervisor of liquor control for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of the following day. The time of opening on Sunday may be 11:00 a.m. The provisions of this section and not those of section 311.097 regarding the time of closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday. The premises of such an applicant shall be located in an area which has been designated as a convention trade area by the governing body of the county and the applicant shall meet at least one of the following conditions:

(1) The business establishment's annual gross sales for the year immediately preceding the application for extended hours equals one hundred fifty thousand dollars or more; or

(2) The business is a resort. For purposes of this subsection, a “resort” is defined as any establishment having at least sixty rooms for the overnight accommodation of transient guests and having a restaurant located on the premises; **or**

(3) The business establishment provides entertainment facilities for the public and has a minimum total cost of development improvements of fifty million dollars.

2. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises in a county of the third classification without a township form of government having a population of more than twenty-three thousand five hundred but less than twenty-three thousand six hundred inhabitants, a county of the third classification without a township form of government having a population of more than nineteen thousand

three hundred but less than nineteen thousand four hundred inhabitants or a county of the first classification without a charter form of government with a population of at least thirty-seven thousand inhabitants but not more than thirty-seven thousand one hundred inhabitants may apply to the supervisor of liquor control for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of the following day. The time of opening on Sunday may be 11:00 a.m. The provisions of this section and not those of section 311.097 regarding the time of closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday. The applicant shall meet all of the following conditions:

(1) The business establishment's annual gross sales for the year immediately preceding the application for extended hours equals one hundred thousand dollars or more;

(2) The business is a resort. For purposes of this subsection, a “resort” is defined as any establishment having at least seventy-five rooms for the overnight accommodation of transient guests, having at least three thousand square feet of meeting space and having a restaurant located on the premises; and

(3) The applicant shall develop, and if granted a special permit shall implement, a plan ensuring that between the hours of 1:30 a.m. and 3:00 a.m. no sale of intoxicating liquor shall be made except to guests with overnight accommodations at the licensee's resort. The plan shall be subject to approval by the supervisor of liquor control and shall provide a practical method for the division of liquor control and other law enforcement agencies to enforce the provisions of subsection 3 of this section.

3. While open between the hours of 1:30 a.m. and 3:00 a.m. under a special permit issued pursuant to subsection 2 of this section, it shall be unlawful for a licensee or any employee of a licensee to sell intoxicating liquor to or permit the consumption of intoxicating liquor by any person except a guest with overnight accommodations at the licensee's resort.

4. An applicant granted a special permit pursuant to this section shall, in addition to all other fees required by this chapter, pay an additional fee of three hundred dollars a year payable at the time and in the same manner as its other license fees.

5. The provisions of this section allowing for extended hours of business shall not apply in any incorporated area wholly located in any county of the first classification having a charter form of government which does not contain all or part of a city with a population of over three hundred thousand inhabitants until the governing body of such incorporated area shall have by ordinance or order adopted the extended hours authorized by this section.”; and

Further amend said bill, page 48, section 321.227, line 13 of said page, by inserting immediately after said line the following:

“473.745. 1. Any city not within a county shall provide suitable furnishings for the public administrator and through its supply commissioner shall purchase all necessary supplies for such public administrator. All such supplies shall be furnished upon requisition of the public administrator for such city not within a county, which shall be approved by the comptroller.

2. All the necessary expenses incurred by the public administrator of any city not within a county in the conduct of the duties of his or her office shall, upon his or her requisition, be approved by the comptroller and be paid out of the treasury of such city not within a county.

3. The public administrator for any city not within a county shall employ as many deputies and assistants as may be necessary to perform the duties of his or her office, and fix the compensation for

their services; however, such compensation shall not in any case exceed the annual rate of compensation fixed by the board of aldermen for such city not within a county. For additional duties imposed by this section, the public administrator may act as trustee or successor trustee when so appointed by the circuit court or the probate division of the circuit court.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Loudon requested a division of the question on **SA 1**; asking that a vote first be taken on the portion of the amendment dealing with Sections 82.156 and 473.745; and that a second vote be taken on the portion of the amendment dealing with Section 311.178, which request was granted.

Senator Kennedy moved that Part I of **SA 1** be adopted, which motion prevailed.

Senator Kennedy moved that Part II of **SA 1** be adopted.

Senator Loudon requested a roll call vote be taken on the adoption of Part II. He was joined in his request by Senators Bartle, Crowell, Shoemyer and Stouffer.

Part II of **SA 1** failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days	Griesheimer	Justus	Kennedy	Koster
McKenna	Rupp	Smith	Wilson—12				

NAYS—Senators

Barnitz	Bartle	Champion	Clemens	Crowell	Dempsey	Engler	Gibbons
Goodman	Green	Lager	Loudon	Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Shoemyer	Stouffer	Vogel—21			

Absent—Senator Graham—1

Absent with leave—Senators—None

Vacancies—None

At the request of Senator Clemens, **HB 1711**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SCS for **SB 865**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 865

An Act to repeal section 143.141, RSMo, and to enact in lieu thereof two new sections relating to prohibiting discrimination in life insurance based upon lawful travel destinations, with penalty provisions.

Was taken up by Senator Rupp.

On motion of Senator Rupp, **SCS** for **SB 865** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senator Bartle—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 1170**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTIONS OF GUESTS

Senator Clemens introduced to the Senate, Mr. and Mrs. James Greer and their children, Emily and Jackson, Columbia; and Emily and Jackson were made honorary pages.

Senator Shoemyer introduced to the Senate, members of Monroe County Cattlemen.

Senator Green introduced to the Senate, Tim and Kathy Schulte and their children, Bridget and Patrick; and Mary Jo and Gene Schulte, St. Louis; and Bridget and Patrick were made honorary pages.

Senator Barnitz introduced to the Senate, Coaches Todd Anderson, Beth Schebaum and Randy Saladin; managers Katelyn Witte, Ashley Brooks and Liz Abraham; and players Lauren Stiers, Shelby Ruediger, Lacey Lackman, Chelsea and Shelby Winkelmann, Karen Rohlfing, Kallie Leicht, Krista Lane, Macaulay Montague, Danielle Riley, Kasey Kirchhofer, Lillian Gildehaus and Megan Koeing members of Third Place Class 3 State Championship Herman High School Lady Bearcats basketball team.

On behalf of Senator Lager, the President introduced to the Senate, Brad Gardner, Maryville; and his parents, Barry and Leisa Gardner, Brookfield.

Senator Goodman introduced to the Senate, William Lynch, Vice President of the Missouri Southern

State University Student Senate, Joplin.

Senator Scott introduced to the Senate, Ken Graves and students from Whitier Alternative School, Sedalia.

Senator Shields introduced to the Senate, students representing University of Missouri Undergraduate Research Day.

Senator Ridgeway introduced to the Senate, fourth grade students from Oakwood Manor Elementary School, Clay County.

Senator Bray introduced to the Senate, Paula Hertel and fifteen fourth grade students from Reform Jewish Academy, St. Louis.

Senator Clemens introduced to the Senate, Jeff Faust and Jena Thompson.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FIRST DAY—THURSDAY, MAY 1, 2008

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)

SCS for SB 1170-Mayer

HOUSE BILLS ON THIRD READING

HCS for HB 2393, with SCS (Shields)
(In Fiscal Oversight)

HB 1532-Davis, with SCS (Rupp)

HCS for HB 1393 (Ridgeway)

HCS for HBs 1595 & 1668 (Mayer)
(In Fiscal Oversight)

HCS for HB 1550 (Goodman)
(In Fiscal Oversight)

HB 1923-Jones (117) and Pratt (Barnitz)

(In Fiscal Oversight)

HCS for HB 1904, with SCS (Goodman)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS
SB 713-Gibbons, with SCS

SB 716-Loudon, et al
SB 717-Kennedy and Shields

SB 729-Griesheimer, with SCS
 SB 749-Ridgeway, with SCS
 SB 756-Engler and Rupp, with SCS (pending)
 SB 776-Justus and Koster, with SCS
 SB 809-Stouffer, with SCS, SS for SCS & SA 1 (pending)
 SB 811-Stouffer, with SCS, SA 1 & point of order (pending)
 SB 815-Goodman
 SB 821-Shoemyer, with SCS (pending)
 SBs 840 & 857-Engler, with SCS & SS for SCS (pending)
 SB 861-Shoemyer, with SCS
 SB 874-Graham, with SCS
 SB 877-Mayer
 SB 881-Green
 SB 904-Griesheimer, with SCS
 SBs 909, 954, 934 & 1003-Engler, with SCS
 SB 915-Ridgeway
 SB 917-Goodman, et al
 SB 929-Green and Callahan, with SCS
 SB 957-Goodman
 SBs 982, 834 & 819-Purgason, with SCS
 SB 990-Champion
 SBs 993 & 770-Crowell, with SCS, SS for SCS, SA 4 & SSA 1 for SA 4 (pending)
 SB 996-Crowell, with SCS
 SB 997-Crowell
 SB 1000-Justus
 SB 1007-Loudon, with SA 2 (pending)

SBs 1021 & 870-Loudon, et al, with SCS, SS for SCS & SA 2 (pending)
 SB 1035-Scott, with SCS
 SB 1046-Mayer, with SA 1 & SSA 1 for SA 1 (pending)
 SB 1052-Rupp
 SB 1054-Dempsey, with SCS
 SB 1057-Scott, with SCS
 SB 1058-Mayer
 SB 1067-Ridgeway, et al
 SB 1077-Goodman, with SS (pending)
 SB 1093-Loudon, et al
 SB 1094-Loudon, with SCS
 SB 1099-Graham, with SA 1 (pending)
 SB 1101-Bray, et al
 SB 1103-Gibbons
 SB 1138-McKenna, with SCS
 SB 1158-Mayer, with SCS
 SB 1164-Loudon
 SB 1180-Crowell
 SB 1183-Bray, with SCS
 SB 1194-Goodman
 SB 1197-Crowell
 SBs 1234 & 1270-Shields, with SCS & SS#2 for SCS (pending)
 SB 1240-Dempsey
 SB 1244-Barnitz and Purgason
 SB 1275-Vogel
 SB 1278-Shields
 SJR 43-Loudon

HOUSE BILLS ON THIRD READING

HCS for HB 1341 (Nodler)
 HB 1384 & HB 2157-Cox, et al, with SCS (Gibbons)
 HB 1617-Cunningham (86), et al (Dempsey)
 HB 1656-Nance and Cooper (155), with SCS (Stouffer)
 HB 1661-LeVota, et al (Ridgeway)
 HB 1711-Weter, et al, with SCS & SS for SCS (pending) (Clemens)
 HCS for HB 1715, with SCS (Scott)
 HCS for HB 1763 (Engler)

HCS for HBs 1876 & 1877, with SCS (Mayer)
 HB 1937-Pearce, et al, with SCS (Scott)
 HB 1973-Franz, with SCS (Engler)
 HB 1983-Pratt, with SCS (Goodman)
 HCS for HB 2068 (Scott)
 HCS for HB 2104, HB 1574, HB 1706, HCS for HB 1774, HB 2055 & HCS for HB 2056, with SCS (Crowell)
 HB 2226-Muschany (Rupp)
 HCS for HJR 55 (Crowell)

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)	HB 2213-Kraus, et al (Shields)
HB 1670-Cooper (120) (Dempsey)	HB 1422-St. Onge, et al, with SCS
HB 1828-Sutherland (Vogel)	(Stouffer)
HCS for HB 1804, with SCS (Days)	HB 1354-Wilson (119), et al (Scott)
HB 2047-Curls, et al, with SCS (Callahan)	HCS for HB 1575 (Vogel)
HB 1410-Flook, et al (Ridgeway)	HB 1952-Loehner, et al (Barnitz)
HCS for HB 1888 (Clemens)	HB 1887-Parson (Scott)
HB 1368-Thomson (Lager)	HCS for HB 2360 (Lager)
HCS for HB 1807, with SCS (Mayer)	HB 1311-Hoskins, with SCS (Engler)
HB 1869-Wilson (130), et al (Goodman)	HB 1426-Kraus (Green)
HCS for HB 2048, with SCS (Engler)	

Reported 4/14

HB 1608-Ervin (Ridgeway)	HB 1419-Portwood (Loudon)
HB 2065-Wasson, with SCS (Scott)	HB 1791-Cooper (155), et al (Barnitz)
HB 1450-Roord, et al, with SCS (McKenna)	HB 1689-Wilson (130), with SCS (Scott)
HB 2233-Page, et al (Shields)	HCS for HB 1690, with SCS (Scott)

Reported 4/15

HCS for HB 1380 (Goodman)	HB 1710-Flook (Ridgeway)
HCS for HB 2036 (Stouffer)	HCS for HB 1783 (Engler)
HB 1946-Franz, with SCS (Champion)	HB 1784-Meadows, et al (McKenna)
HB 1849-Pratt and Curls (Justus)	HB 1313-Wright, et al (Mayer)
HB 1640-Schoeller, et al, with SCS (Goodman)	HCS for HB 1893 (Dempsey)
HB 1570-Franz, with SCS (Champion)	HB 1881-Schlottach (Kennedy)
HB 1469-Pratt (Goodman)	

SENATE BILLS WITH HOUSE AMENDMENTS

SB 863-Rupp, with HCS	SB 1140-Vogel, with HCS
SB 1074-Dempsey, with HCS, as amended	

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 931-Purgason, with
HCS, as amended
HCS for HB 2002, with SCS (Nodler)
HCS for HB 2003, with SCS (Nodler)
HB 2004, with SCS (Nodler)
HCS for HB 2005, with SCS (Nodler)
HCS for HB 2006, with SCS (Nodler)

HCS for HB 2007, with SCS (Nodler)
HCS for HB 2008, with SCS (Nodler)
HCS for HB 2009, with SCS (Nodler)
HCS for HB 2010, with SCS (Nodler)
HCS for HB 2011, with SCS (Nodler)
HCS for HB 2012, with SCS (Nodler)
HCS for HB 2013, with SCS (Nodler)

Requests to Recede or Grant Conference

SB 841-Stouffer, with HCS, as amended
(Senate requests House
recede or grant conference)

SB 958-Goodman, with HCS
(Senate requests House
recede or grant conference)

✓

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FIRST DAY—THURSDAY, MAY 1, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I’ve learned that you can’t give what you’ve never received. There’s no aquifer of love, there’s no distillery of faith within me, so I have to receive it.” (*Max Lucado*)

Loving Lord, it is only by Your grace that we can know You and come to experience Your love of us and it is for this that we are most thankful. We pray help us to open ourselves to Your love of others and freely give of ourselves to them so our service here and at home will be a witness of our love for You. And Lord help us be more loving and patient with those You have given us to love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 2565, regarding James “Stan” Varner, Fayette, which was adopted.

Senator Stouffer offered Senate Resolution No. 2566, regarding Opal Richardson, Richmond, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2567, regarding Ashley Nicole Redding, Baring, which was adopted.

Senator Champion offered Senate Resolution No. 2568, regarding the One Hundred Fiftieth Anniversary of the Springfield Police Department, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2569, regarding Elizabeth Andrew, Warrensburg, which was adopted.

Senator Kennedy offered Senate Resolution No. 2570, regarding Ida Goodwin Woolfolk, which was adopted.

Senator Kennedy offered Senate Resolution No. 2571, regarding Sandra Murdock, which was adopted.

Senator Bray offered Senate Resolution No. 2572, regarding Brentwood High School in the Brentwood School District, Saint Louis County, which was adopted.

Senator Bray offered Senate Resolution No. 2573, regarding Evelyn E. Harris, University City, which was adopted.

Senator Mayer offered Senate Resolution No. 2574, regarding Landon Hall, Dexter, which was adopted.

Senator Koster offered Senate Resolution No. 2575, regarding the Forty-fifth Wedding Anniversary of Mr. and Mrs. Philip Eugene Young, Sr., Creighton, which was adopted.

Senator Scott offered Senate Resolution No. 2576, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ralph Lance Hutton, Hermitage, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

J. Gil Kennon, Sarah C. Tate, Kelly S. Walters, Billy D. Meyer, Gary M. Little and Leonard P. Toenjes, as members of the Missouri Workforce Investment Board;

Also,

Charles Kenneth McClure, as a member of the Second State Capitol Commission;

Also,

Charles Kenneth McClure, as a member of the Personnel Advisory Board;

Also,

Gordon L. Kinne, Republican, as a member of the Missouri Health Facilities Review Committee;

Also,

Timothy E. Schulte, Democrat, as a member of the Missouri Investment Trust Board of Trustees;

Also,

Joann M. Leykam, as a member of the Mental Health Commission;

Also,

Robert J. Kocher, Republican, as a member of the Elevator Safety Board;

Also,

Ryan P. Sanders, as student representative of the University of Central Missouri Board of Governors;

Also,

Bradley D. Gardner, as student representative of the Northwest Missouri State University Board of Regents;

Also,

Christopher T. Davidson, as student representative of the Linn State Technical College Board of Regents;

Also,

William C. Brinton, Jr., Democrat, as a member of the Missouri Emergency Response Commission;

Also,

Daniel K. Carr, Republican, as a member of the Missouri State Penitentiary Redevelopment Commission;

Also,

Karen Thornton, Republican, as a member of the Missouri Women's Council;

Also,

James H. Buford, Republican, as a member of the Missouri Commission on Human Rights;

Also,

Charles H. Butler, Republican, as a member of the Missouri Horse Racing Commission;

Also,

Douglas M. Ommen, as a member of the Administrative Hearing Commission;

Also,

Jillian C. Harris, as a member of the Children's Trust Fund Board;

Also,

Gary L. Carver, as a member of the Missouri State Board of Chiropractic Examiners;

Also,

James B. Lynch, as a member of the Peace Officer Standards and Training Commission;

Also,

Douglas A. Copeland, Republican, as a member of the Public Defender Commission;

Also,

Elizabeth M. Pierson, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Baughn T. Merideth, Sr., Democrat, as a member of the State Soil and Water Districts Commission;

Also,

Daniel K. Carr, Republican, as a member of the Missouri State Penitentiary Redevelopment Commission;

Also,

Lynthia B. Andrews, as a member of the State Advisory Council on Emergency Medical Services.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **HCS** for **HB 1516**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 2041**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HCS** for **HB 2034**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason, Chairman of the Committee on Health and Mental Health, submitted the following report:

Mr. President: Your Committee on Health and Mental Health, to which were referred **HCS** for **HB 1790**, **HB 1805** and **HCS** for **HB 1546**, begs leave to report that it has considered the same and

recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 2081**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HB 1474**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, Senator Shields submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS No. 2 for HB 1463**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS for HBs 1549, 1771, 1395 and 2366**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1358**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mayer, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HCS for HB 1722**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 2191**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **HCS for HB 2279**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 2393**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 841**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1068**, entitled:

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to the pharmacy rebates fund.

With House Amendment Nos. 1 and 3.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 1068, Section A, Page 1, Lines 1-2 by inserting after all of said section the following:

“338.600. 1. Notwithstanding any other provision of law to the contrary, when an audit of the records of a pharmacy licensed in this state is conducted by a managed care company, insurance company, third-party payor, the department of insurance, financial institutions and professional registration, or any entity that represents such companies, groups, or department, such audit shall be conducted in accordance with the following:

(1) The entity conducting the initial on-site audit shall provide the pharmacy with notice at least one week prior to conducting the initial on-site audit for each audit cycle;

(2) Any audit which involves clinical judgment shall be conducted by or in consultation with a licensed pharmacist;

(3) Any clerical or recordkeeping error, such as a typographical error, scriveners error, or computer error, regarding a required document or record shall not in and of itself constitute fraud or grounds for recoupment. No claim arising under this subdivision shall be subject to criminal penalties without proof of intent to commit fraud;

(4) A pharmacy may use the records of a hospital, physician, or other authorized practitioner of the healing arts involving drugs or medicinal supplies written or transmitted by any means of communication for purposes of validating the pharmacy record with respect to orders or refills of a legend or narcotic drug. Electronically stored images of prescriptions, electronically created annotations and other related supporting documentation shall be considered valid prescription records. Hard copy and electronic signature logs that indicate the delivery of pharmacy services shall be considered valid proof of receipt of such services by a program enrollee;

(5) A finding of an overpayment or underpayment may be a projection based on the number of

patients served and having a similar diagnosis or on the number of similar orders or refills for similar drugs; except that, recoupment of claims shall be based on the actual overpayment or underpayment unless the projection for overpayment or underpayment is part of a settlement as agreed to by the pharmacy;

(6) Each pharmacy shall be audited under the same standards and parameters as other similarly situated pharmacies audited by the entity;

(7) A pharmacy shall be allowed at least thirty days following receipt of the preliminary audit report in which to produce documentation to address any discrepancy found during an audit;

(8) The period covered by the audit shall not exceed a two-year period beginning two years prior to the initial date of the on-site portion of the audit unless otherwise provided by contractual agreement or if there has been a previous finding of fraud or as otherwise provided by state or federal law;

(9) An audit shall not be initiated or scheduled during the first three business days of any month due to the high volume of prescriptions filled during such time unless otherwise consented to by the pharmacy;

(10) The preliminary audit report shall be delivered to the pharmacy within one hundred twenty days after conclusion of the audit, with reasonable extensions permitted. A final audit report shall be delivered to the pharmacy within six months of receipt by the pharmacy of the preliminary audit report or final appeal, as provided for in subsection 3 of this section, whichever is later;

(11) Notwithstanding any other provision in this subsection, the entity conducting the audit shall not use the accounting practice of extrapolation in calculating recoupments or penalties for audits, except as otherwise authorized under subdivision (5) of this subsection.

2. Recoupments of any disputed moneys shall only occur after final internal disposition of the audit, including the appeals process set forth in subsection 3 of this section. Should the identified discrepancy for an individual audit exceed twenty five thousand dollars, future payments to the pharmacy in excess of twenty five thousand dollars may be withheld pending finalization of the audit.

3. Each entity conducting an audit shall establish an appeals process, lasting no longer than six months, under which a licensed pharmacy may appeal an unfavorable preliminary audit report to the entity. If, following such appeal, the entity finds that an unfavorable audit report or any portion thereof is unsubstantiated, the entity shall dismiss the audit report or such portion without the necessity of any further proceedings.

4. Each entity conducting an audit shall provide a copy of the final audit report, after completion of any appeal process, to the plan sponsor.

5. This section shall not apply to any audit conducted as a part of an investigation regarding alleged criminal wrongdoing, willful misrepresentation, or abuse.

6. This section shall not apply to any audit conducted as part of any inspection or investigation conducted by the board of pharmacy.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 1068, Section A, Page 1, Line 2, by inserting after all of said line the following:

“338.410. 1. Due to the difficulties of Fibromyalgia patients receiving pharmaceutical treatments there is hereby created within the department of health and senior services the “Missouri Fibromyalgia Awareness Initiative Program”. The primary target population for such program shall be women between twenty and sixty years of age.

2. The department shall appoint and convene the “Missouri Fibromyalgia Panel” to be comprised of individuals, who shall act in a voluntary capacity, with knowledge and expertise regarding fibromyalgia research, prevention, educational programs, and consumer needs, to guide program development. The panel shall seek and is authorized to accept private, federal, or other public financial support, grants, or other appropriate moneys to support the program. The department shall provide the panel and program necessary administrative services and support.

3. The panel shall have the following duties:

(1) In consultation with the National Fibromyalgia Association, to raise at least fifty thousand dollars through private funding for the purpose of establishing a public information and outreach campaign for issues related to fibromyalgia, including appropriate educational material to promote early diagnosis and treatment, prevention of complications, improvement of quality of life at home and in the workplace, and addressing mental health and disability issues of fibromyalgia patients; and

(2) To work with other state and local agencies to promote fibromyalgia education and training programs for physicians and other health professionals.

4. This section shall be implemented only to the extent that the panel obtains private funding for the purpose of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HCS for HB 2393, with SCS, entitled:

An Act to repeal sections 135.950, 135.967, and 137.115, RSMo, and to enact in lieu thereof four new sections relating to enhanced enterprise zones.

Was taken up by Senator Shields.

SCS for HCS for HB 2393, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2393

An Act to repeal sections 135.950, 135.967, and 137.115, RSMo, and to enact in lieu thereof four new sections relating to enhanced enterprise zones.

Was taken up.

Senator Shields moved that **SCS** for **HCS** for **HB 2393** be adopted.

Senator Shields offered **SS** for **SCS** for **HCS** for **HB 2393**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2393

An Act to repeal sections 135.950 and 135.967, RSMo, and to enact in lieu thereof three new sections relating to enhanced enterprise zones.

Senator Shields moved that **SS** for **SCS** for **HCS** for **HB 2393** be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of the Senate Substitute and the 3rd reading of the bill.

Senator Dempsey assumed the Chair.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 1, In the Title, Line 4 of the title, by striking “enhanced enterprise zones” and inserting in lieu thereof the following: “state tax credit programs”; and

Further amend said bill and page, section A, line 3 of said page, by inserting immediately after said line the following:

“135.681. 1. The director of the department of economic development or the director's designee shall issue letter rulings regarding the tax credit program authorized under section 135.680, subject to the terms and conditions set forth in this section. The director of the department of economic development may impose additional terms and conditions consistent with this section to requests for letter rulings by regulation promulgated under chapter 536, RSMo. For the purposes of this section, the term “letter ruling” means a written interpretation of law to a specific set of facts provided by the applicant requesting a letter ruling.

2. The director or director's designee shall respond to a request for a letter ruling within sixty days of receipt of such request. The applicant may provide a draft letter ruling for the department's consideration. The applicant may withdraw the request for a letter ruling, in writing, prior to the issuance of the letter ruling. The director or the director's designee may refuse to issue a letter ruling for good cause, but must list the specific reasons for refusing to issue the letter ruling. Good cause includes, but is not limited to:

(1) The applicant requests the director to determine whether a statute is constitutional or a regulation is lawful;

(2) The request involves a hypothetical situation or alternative plans;

(3) The facts or issues presented in the request are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue a letter ruling; and

(4) The issue is currently being considered in a rulemaking procedure, contested case, or other agency or judicial proceeding that may definitely resolve the issue.

3. Letter rulings shall bind the director and the director's agents and their successors until such time as the taxpayer or its shareholders, members, or partners, as applicable, claim all of such tax credits on a Missouri tax return, subject to the terms and conditions set forth in properly published regulations. The letter ruling shall apply only to the applicant.

4. Letter rulings issued under the authority of this section shall not be a rule as defined in section 536.010, RSMo, in that it is an interpretation issued by the department with respect to a specific set of facts and intended to apply only to that specific set of facts, and therefore shall not be subject to the rulemaking requirements of chapter 536, RSMo.

5. Information in letter ruling requests as described in section 620.014, RSMo, shall be closed to the public. Copies of letter rulings shall be available to the public provided that the applicant identifying information and otherwise protected information is redacted from the letter ruling as provided in subsection 1 of section 610.024, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 1** is out of order as it goes beyond the title and scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Scott offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 22, Section 135.968, Line 26, by adding after said line the following:

“11. For the purpose of doing business in Missouri, the mega-project shall be pronounced ‘Bomb-Bomb-Away’.”

Senator Scott moved that the above amendment be adopted.

At the request of Senator Scott, **SA 2** was withdrawn.

Senator Green offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 19, Section 135.968, Line 23, by striking the word “and”; and further amend line 28, by inserting after the word “dollars” the following: “;

(5) A statement that any contract entered into by the taxpayer for the construction of the facility required under subdivision (2) of this section shall obligate any party contracting with the taxpayer, including subcontractors of any party contracting with the taxpayer, to pay no less than the prevailing hourly rate of wage, as such term is defined under section 290.210, RSMo, to all employees involved in such construction; and

(6) A statement that no less than eighty percent of contractors employed by the taxpayer for the construction of the facility required under subdivision (2) of this section shall be Missouri-based employers”.

Senator Green moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SA 3**.

Senator Bartle requested a division of the question on **SA 3**; asking that a vote first be taken on the subject matter of (5); and a second vote be taken on the subject matter of (6), which request was granted.

Senator Scott assumed the Chair.

At the request of Senator Green, **SA 3** was withdrawn.

Senator Dempsey assumed the Chair.

At the request of Senator Shields, **HCS** for **HB 2393**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to request that the Missouri Senate return to the House of Representatives **SS** for **SCS** for **SB 944**, relating to state auditor compensation for bond registration, for the sole purpose of reconsidering the vote on the emergency clause.

PRIVILEGED MOTIONS

Senator Engler moved that the Senate return to the House of Representatives, Truly Agreed To and Finally Passed **SS** for **SCS** for **SB 944** for the sole purpose of allowing the House to reconsider the vote on the emergency clause, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Shields moved that **HCS** for **HB 2393**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 2393** was again taken up.

Senator Graham offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 22, Section 135.968, Line 26, by inserting after all of said line the following:

“Section B. The provisions of section A of this act shall not be effective until all of the capital projects at public colleges and universities receiving funds from the Lewis and Clark discovery fund, created under section 173.392, RSMo, are fully funded.”; and

Further amend the title accordingly.

Senator Graham moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of SA 4.

Senator Graham requested a roll call vote be taken on the adoption of SA 4 and was joined in his request by Senators Green, Koster, Smith and Wilson.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Graham	Green	Kennedy	McKenna	Shoemyer
Smith—9							

NAYS—Senators

Bartle	Champion	Clemens	Coleman	Crowell	Days	Dempsey	Engler
Gibbons	Griesheimer	Justus	Koster	Lager	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Stouffer	Vogel	Wilson—24

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Goodman—1

Vacancies—None

Senator Shields offered SA 5, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 22, Section 135.968, Line 26, by inserting immediately after all of said line the following:

“11. Notwithstanding any provision of this section to the contrary, no taxpayer who receives mega-project tax credits authorized under this section or any related taxpayer shall employ, within five years following approval of the mega-project by the department, directly or indirectly, any elected public official of this state holding office as of January 1, 2008.”

Senator Shields moved that the above amendment be adopted.

Senator Shields offered SSA 1 for SA 5, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 22, Section 135.968, Line 26, by inserting immediately after all of said line the following:

“11. Notwithstanding any provision of this section to the contrary, no taxpayer who receives mega-project tax credits authorized under this section or any related taxpayer shall employ, within five years following approval of the mega-project by the department, directly or indirectly:

(1) Any elected public official of this state holding office as of January 1, 2008;

(2) Any director, deputy director, division director, or employee directly involved in negotiations between the department of economic development and a taxpayer relative to the mega-project who was employed as of January 1, 2008, by the department.”.

Senator Shields moved that the above substitute amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SA 5** and **SSA 1** for **SA 5**.

At the request of Senator Shields, **SSA 1** for **SA 5** was withdrawn.

Senator Shields offered **SSA 2** for **SA 5**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR
SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 22, Section 135.968, Line 26, by inserting immediately after all of said line the following:

“11. Notwithstanding any provision of this section to the contrary, no taxpayer who receives mega-project tax credits authorized under this section or any related taxpayer shall employ, within five years following approval of the mega-project by the department, directly:

(1) Any elected public official of this state holding office as of January 1, 2008;

(2) Any director, deputy director, division director, or employee directly involved in negotiations between the department of economic development and a taxpayer relative to the mega-project who was employed as of January 1, 2008, by the department.”.

Senator Shields moved that the above substitute amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SSA 2** for **SA 5**.

Senator Days offered **SA 1** to **SSA 2** for **SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 2 FOR
SENATE AMENDMENT NO. 5

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 1, Lines 6-7, by striking all of said line and inserting in lieu thereof the following:

“employ, prior to January 1, 2022, directly:”.

Senator Days moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SA 1** to **SSA 2** for **SA 5**.

Senator Days moved that **SA 1** to **SSA 2** for **SA 5** be adopted, which motion prevailed.

SSA 2 for **SA 5**, as amended, was again taken up.

Senator Shields moved that the above substitute amendment be adopted, which motion prevailed.

Senator Smith offered SA 6, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 17, Section 135.968, Lines 3-4, by striking the following: “The department shall not approve any mega-project after December 31, 2008.”.

Senator Smith moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of SA 6.

Senator Smith moved that SA 6 be adopted, which motion failed.

President Pro Tem Gibbons assumed the Chair.

Senator Callahan offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 18, Section 135.968, Line 25 of said page, by striking the word “general revenue fund” and inserting in lieu thereof the following: “**transportation interstate fund, established under section 226.740, RSMo,**”; and

Further amend said bill and section, page 19, line 11 of said page, by striking the word “general revenue fund” and inserting in lieu thereof the following: “**transportation interstate fund, established under section 226.740, RSMo,**”; and

Further amend said bill and section, page 22, line 26 of said page, by inserting immediately after said line the following:

“226.740. For the purposes of assisting in the reconstruction, rebuilding, construction, and conversion of Interstate 70, there is hereby created in the state treasury a fund known as the “State Transportation Interstate Fund”. Revenue derived from the repayment of tax credits required under the provisions of section 135.968, RSMo, shall be deposited in the state transportation interstate fund. The fund shall also receive all moneys which may be appropriated or otherwise credited to it by the general assembly and shall also receive any gifts, contributions, grants or bequests received from federal, private or other sources. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the state transportation interstate fund shall not revert to the General Revenue Fund. Interest accruing to the state transportation interstate fund shall be part of the fund.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Bartle assumed the Chair.

Senator Shields raised the point of order that SA 7 is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Green offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 19, Section 135.968, Line 23, by striking the word “and”; and further amend line 28, by inserting after the word “dollars” the following: “;

(5) A statement that any contract entered into by the taxpayer for the construction of the facility required under subdivision (2) of this section shall obligate any party contracting with the taxpayer, including subcontractors of any party contracting with the taxpayer, to pay no less than the prevailing hourly rate of wage, as such term is defined under section 290.210, RSMo, to all employees involved in such construction;”.

Senator Green moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SA 8**.

Senator Green moved that **SA 8** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Bray, Callahan and Graham.

SA 8 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Days	Dempsey	Engler	Graham	Green
Justus	Kennedy	Koster	Loudon	Shoemyer—13			

NAYS—Senators

Bartle	Clemens	Crowell	Gibbons	Griesheimer	Lager	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Stouffer	Vogel	Wilson—16

Absent—Senators

Champion	Coleman	McKenna	Smith—4
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Absent with leave—Senators—None

Excused from voting—Senator Goodman—1

Vacancies—None

Senator Callahan offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 22, Section 135.968, Line 26, by inserting immediately after all of said line the following:

“11. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically six years after the effective date of this section and no tax credits which have been previously

authorized for issuance, but not yet issued at such time, shall be issued unless the provisions of this section are reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”.

Senator Callahan moved that the above amendment be adopted.

Senator Dempsey assumed the Chair.

Senator Callahan offered SSA 1 for SA 9:

SENATE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 1, In the Title, Line 4, by striking all of said line and inserting in lieu thereof the following: “taxation.”; and

Further amend said bill and page, section A, line 3 of said page, by inserting after all of said line the following:

“135.812. Other provisions of law to the contrary notwithstanding, no tax credit now or hereafter authorized under the laws of this state shall be issued after January 1, 2012.”; and

Further amend said bill, page 22, section 135.968, line 26 of said page, by inserting after all of said line the following:

“143.011. A tax is hereby imposed for every taxable year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

(1) If the Missouri taxable income is: The tax is:

Not over \$1,000.00	1 1/2% of the Missouri taxable income
Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess over \$2,000
Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess over \$4,000
Over \$5,000 but not over \$6,000	\$125 plus 4% of excess

over \$5,000

Over \$6,000 but not over \$7,000 \$165 plus 4 1/2% of excess

over \$6,000

Over \$7,000 but not over \$8,000 \$210 plus 5% of excess

over \$7,000

Over \$8,000 but not over \$9,000 \$260 plus 5 1/2% of excess

over \$8,000

Over \$9,000 \$315 plus 6% of excess

over \$9,000

**(2) For all tax years beginning on or after January 1, 2012, if the Missouri taxable income is:
The tax is:**

**Not over \$1,000.00 1% of the Missouri
taxable income**

**Over \$1,000 but not over \$2,000 \$15 plus 1 1/2% of excess
over \$1,000**

**Over \$2,000 but not over \$3,000 \$35 plus 2% of excess
over \$2,000**

**Over \$3,000 but not over \$4,000 \$60 plus 2 1/2% of excess
over \$3,000**

**Over \$4,000 but not over \$5,000 \$90 plus 3% of excess
over \$4,000**

**Over \$5,000 but not over \$6,000 \$125 plus 3 1/2% of excess
over \$5,000**

**Over \$6,000 but not over \$7,000 \$165 plus 4% of excess
over \$6,000**

**Over \$7,000 but not over \$8,000 \$210 plus 4 1/2% of excess
over \$7,000**

**Over \$8,000 but not over \$9,000 \$260 plus 5% of excess
over \$8,000**

**Over \$9,000 \$315 plus 5 1/2% of excess
over \$9,000”; and**

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above substitute amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SA 9** and **SSA 1** for **SA 9**.

Senator Shields raised the point of order that **SSA 1** for **SA 9** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

SA 9 was again taken up.

Senator Callahan moved that the above amendment be adopted, which motion failed.

Senator Graham offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 21, Section 135.968, Line 27, by inserting immediately after the word “department” the following: “**and the house and senate appropriations committees**”.

Senator Graham moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SA 10**.

Senator Graham moved that **SA 10** be adopted, which motion prevailed.

Senator Graham offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 22, Section 135.968, Line 19, by striking the word “ninety” and inserting in lieu thereof the following: “**one hundred eighty**”.

Senator Graham moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SA 11**.

Senator Graham moved that **SA 11** be adopted, which motion failed.

Senator Graham offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 18, Section 135.968, Line 1, by striking the word “verifies” and inserting in lieu thereof the following: “**provides written proof**”.

Senator Graham moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SA 12**.

Senator Graham moved that **SA 12** be adopted, which motion failed.

Senator Smith requested a roll call vote be taken on the adoption of **SS** for **SCS** for **HCS** for **HB 2393**,

as amended. He was joined in his request by Senators Callahan, Coleman, Crowell and Engler.

SS for SCS for HCS for HB 2393, as amended, was adopted by the following vote:

YEAS—Senators

Champion	Clemens	Coleman	Crowell	Days	Dempsey	Engler	Gibbons
Green	Griesheimer	Justus	Kennedy	Koster	Lager	Mayer	Nodler
Ridgeway	Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—24

NAYS—Senators

Barnitz	Bartle	Bray	Callahan	Graham	Loudon	Purgason	Smith—8
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Absent—Senator McKenna—1

Absent with leave—Senators—None

Excused from voting—Senator Goodman—1

Vacancies—None

On motion of Senator Shields, **SS for SCS for HCS for HB 2393**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Champion	Clemens	Coleman	Crowell	Days	Dempsey	Engler	Gibbons
Green	Griesheimer	Justus	Kennedy	Koster	Lager	Mayer	Nodler
Ridgeway	Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—24

NAYS—Senators

Barnitz	Bartle	Bray	Callahan	Graham	Loudon	Purgason	Smith—8
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Absent—Senator McKenna—1

Absent with leave—Senators—None

Excused from voting—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **SCS** for **SB 724**, entitled:

An Act to repeal sections 195.070, 195.100, 334.104, and 335.016, RSMo, and to enact in lieu thereof five new sections relating to nurses.

With House Amendment Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 3, Section 334.104, Line 15, by inserting after the section number **“195.017, RSMo”** the following:

“; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in schedules III, IV, and V of section 195.017, RSMo, for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures”; and

Further amend said bill, Page 4, Section 334.104, Line 64, by inserting after the word “pharmacy.” the following: **“Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy.”; and**

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 724, the Title, Line 3, by deleting the word “nurses” and inserting in lieu thereof “controlled substances”; and

Further amend said Substitute, Section A, Page 1, Line 3 by inserting immediately after said Line the following:

“195.017. 1. The department of health and senior services shall place a substance in Schedule I if it finds that the substance:

(1) Has high potential for abuse; and

(2) Has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

2. Schedule I:

(1) The controlled substances listed in this subsection are included in Schedule I;

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(a) Acetyl-alpha-methylfentanyl;

(b) Acetylmethadol;

(c) Allylprodine;

(d) Alphacetylmethadol;

(e) Alphameprodine;

- (f) Alphamethadol;
- (g) Alpha-methylfentanyl;
- (h) Alpha-methylthiofentanyl;
- (i) Benzethidine;
- (j) Betacetylmethadol;
- (k) Beta-hydroxyfentanyl;
- (l) Beta-hydroxy-3-methylfentanyl;
- (m) Betameprodine;
- (n) Betamethadol;
- (o) Betaprodine;
- (p) Clonitazene;
- (q) Dextromoramide;
- (r) Diampromide;
- (s) Diethylthiambutene;
- (t) Difenoxin;
- (u) Dimenoxadol;
- (v) Dimepheptanol;
- (w) Dimethylthiambutene;
- (x) Dioxaphetyl butyrate;
- (y) Dipipanone;
- (z) Ethylmethylthiambutene;
- (aa) Etonitazene;
- (bb) Etoxeridine;
- (cc) Furethidine;
- (dd) Hydroxypethidine;
- (ee) Ketobemidone;
- (ff) Levomoramide;
- (gg) Levophenacymorphan;
- (hh) 3-Methylfentanyl;
- (ii) 3-Methylthiofentanyl;
- (jj) Morpheridine;
- (kk) MPPP;

- (ll) Noracymethadol;
- (mm) Norlevorphanol;
- (nn) Normethadone;
- (oo) Norpipanone;
- (pp) Para-fluorofentanyl;
- (qq) PEPAP;
- (rr) Phenadoxone;
- (ss) Phenampromide;
- (tt) Phenomorphan;
- (uu) Phenoperidine;
- (vv) Piritramide;
- (ww) Proheptazine;
- (xx) Properidine;
- (yy) Propiram;
- (zz) Racemoramide;
- (aaa) Thiofentanyl;
- (bbb) Tilidine;
- (ccc) Trimeperidine;

(3) Any of the following opium derivatives, their salts, isomers and salts of isomers unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (a) Acetorphine;
- (b) Acetyldihydrocodeine;
- (c) Benzylmorphine;
- (d) Codeine methylbromide;
- (e) Codeine-N-Oxide;
- (f) Cyprenorphine;
- (g) Desomorphine;
- (h) Dihydromorphine;
- (i) Drotebanol;
- (j) Etorphine[; (except Hydrochloride Salt)] (**except hydrochloride salt**);
- (k) Heroin;
- (l) Hydromorphenol;

- (m) Methyldesorphine;
- (n) Methyldihydromorphine;
- (o) Morphine methylbromide;
- (p) Morphine [methyl sulfonate] **methylsulfonate**;
- (q) Morphine-N-Oxide;
- (r) [Morphine] **Myrophine**;
- (s) Nicocodeine;
- (t) Nicomorphine;
- (u) Normorphine;
- (v) Pholcodine;
- (w) Thebacon;

(4) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) [4-bromo-2,5-dimethoxyamphetamine] **4-bromo-2, 5-dimethoxyamphetamine**;
- (b) 4-bromo-2, 5-dimethoxyphenethylamine;
- (c) 2,5-dimethoxyamphetamine;
- (d) 2,5-dimethoxy-4-ethylamphetamine;
- (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- (f) 4-methoxyamphetamine;
- (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- (h) [4-methyl-2,5-dimethoxy amphetamine] **4-methyl-2, 5-dimethoxyamphetamine**;
- (i) 3,4-methylenedioxyamphetamine;
- (j) 3,4-methylenedioxymethamphetamine;
- (k) 3,4-methylenedioxy-N-ethylamphetamine;
- (l) [N-nydroxy-3, 4-methylenedioxyamphetamine] **N-hydroxy-3, 4-methylenedioxyamphetamine**;
- (m) 3,4,5-trimethoxyamphetamine;
- (n) Alpha-ethyltryptamine;
- (o) [Benzylpiperazine or B.P.] **Alpha-methyltryptamine**;
- (p) Bufotenine;
- (q) Diethyltryptamine;
- (r) Dimethyltryptamine;

(s) **5-methoxy-N,N-diisopropyltryptamine;**

(t) Ibogaine;

[(t)] (u) Lysergic acid diethylamide;

[(u)] (v) Marijuana[; (Marihuana)] **or marihuana;**

[(v)] (w) Mescaline;

[(w)] (x) Parahexyl;

[(x)] (y) Peyote, to include all parts of the plant presently classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seed or extracts;

[(y)] (z) N-ethyl-3-piperidyl benzilate;

[(z)] (aa) N-methyl-3-piperidyl benzilate;

[(aa)] (bb) Psilocybin;

[(bb)] (cc) Psilocyn;

[(cc)] (dd) Tetrahydrocannabinols **naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:**

a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;

b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;

c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;

d. Any compounds of these structures, regardless of numerical designation of atomic positions covered;

[(dd)] (ee) Ethylamine analog of phencyclidine;

[(ee)] (ff) Pyrrolidine analog of phencyclidine;

[(ff)] (gg) Thiophene analog of phencyclidine;

[(gg)] 1-(3-Trifluoromethylphenyl)piperazine or TFMPP;

(hh) [1-(1-(2-thienyl)cyclohexyl) pyrrolidine] **1-(1-(2-thienyl)cyclohexyl)pyrrolidine;**

(ii) *Salvia divinorum*;

(jj) Salvinorin A;

(5) Any material, compound, mixture or preparation containing any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) [Gamma hydroxybutyric] **Gamma-hydroxybutyric acid;**

(b) Mecloqualone;

(c) Methaqualone;

(6) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

(a) Aminorex;

(b) **N-benzylpiperazine**

(c) Cathinone;

[(c)] (d) Fenethylamine;

[(d)] (e) Methcathinone;

[(e)] (f) [(+)-cis-4-methylaminorex ((+)-cis-4,5-dihydro- 4-methyl-5-phenyl-2-oxazoline)] (+,-)-cis-4-methylaminorex ((+,-)-cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazoline);

[(f)] (g) N-ethylamphetamine;

[(g)] (h) N,N-dimethylamphetamine;

(7) A temporary listing of substances subject to emergency scheduling under federal law shall include any material, compound, mixture or preparation which contains any quantity of the following substances:

(a) [N-(1-benzyl-4-piperidyl)-N-phenyl-propanamide] **N-(1-benzyl-4-piperidyl)-N-phenylpropanamide** (benzylfentanyl), its optical isomers, salts and salts of isomers;

(b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thienylfentanyl), its optical isomers, salts and salts of isomers;

[(c) Alpha-Methyltryptamine, or (AMT);

(d) 5-Methoxy-N,N-Diisopropyltryptamine, or(5-MeO-DIPT);]

(8) Khat, to include all parts of the plant presently classified botanically as *catha edulis*, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts.

3. The department of health and senior services shall place a substance in Schedule II if it finds that:

(1) The substance has high potential for abuse;

(2) The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and

(3) The abuse of the substance may lead to severe psychic or physical dependence.

4. The controlled substances listed in this subsection are included in Schedule II:

(1) Any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(a) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine, nalmeferene, naloxone and naltrexone,

and their respective salts but including the following:

- a. Raw opium;
- b. Opium extracts;
- c. Opium fluid;
- d. Powdered opium;
- e. Granulated opium;
- f. Tincture of opium;
- g. Codeine;
- h. Ethylmorphine;
- i. Etorphine hydrochloride;
- j. Hydrocodone;
- k. Hydromorphone;
- l. Metopon;
- m. Morphine;
- n. Oxycodone;
- o. Oxymorphone;
- p. Thebaine;

(b) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this subdivision, but not including the isoquinoline alkaloids of opium;

(c) Opium poppy and poppy straw;

(d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine;

(e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy);

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:

- (a) Alfentanil;
- (b) Alphaprodine;
- (c) Anileridine;
- (d) Bezitramide;

- (e) Bulk [Dextropropoxyphene] **dextropropoxyphene**;
- (f) Carfentanil;
- (g) Butyl nitrite;
- (h) Dihydrocodeine;
- (i) Diphenoxylate;
- (j) Fentanyl;
- (k) Isomethadone;
- (l) Levo-alphaacetylmethadol;
- (m) Levomethorphan;
- (n) Levorphanol;
- (o) Metazocine;
- (p) Methadone;
- (q) Meperidine;
- (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- (s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic acid;
- (t) Pethidine (**meperidine**);
- (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- (x) Phenazocine;
- (y) Piminodine;
- (z) Racemethorphan;
- (aa) Racemorphan;
- (bb) **Remifentanil**;
- (cc) Sufentanil;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (b) **Lisdexamfetamine, its salts, isomers, and salts of its isomers**;
- (c) Methamphetamine, its salts, isomers, and salts of its isomers;
- [(c)] (d) Phenmetrazine and its salts;
- [(d)] (e) Methylphenidate;

(4) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) Amobarbital;
- (b) Glutethimide;
- (c) Pentobarbital;
- (d) Phencyclidine;
- (e) Secobarbital;

(5) Any material[, compound] or compound which contains any quantity of nabilone;

(6) Any material, compound, mixture, or preparation which contains any quantity of the following substances:

- (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
- (b) Immediate precursors to phencyclidine (PCP):
 - a. 1-phenylcyclohexylamine;
 - b. 1-piperidinocyclohexanecarbonitrile (PCC).

5. The department of health and senior services shall place a substance in Schedule III if it finds that:

- (1) The substance has a potential for abuse less than the substances listed in Schedules I and II;
- (2) The substance has currently accepted medical use in treatment in the United States; and
- (3) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

6. The controlled substances listed in this subsection are included in Schedule III:

(1) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

- (a) Benzphetamine;
- (b) Chlorphentermine;
- (c) Clortermine;
- (d) Phendimetrazine;

(2) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances or salts having a depressant effect on the central nervous system:

(a) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances combined with one or more active medicinal ingredients:

- a. Amobarbital;

b. [Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in a drug product for which an application has been approved under Section 505 of the Federal Food, Drug, and Cosmetic

Act;]

[c.] Secobarbital;

[d.] **c.** Pentobarbital;

(b) Any suppository dosage form containing any quantity or salt of the following:

a. Amobarbital;

b. Secobarbital;

c. Pentobarbital;

(c) Any substance which contains any quantity of a derivative of barbituric acid or its salt;

(d) Chlorhexadol;

(e) Embutramide;

(f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in a drug product for which an application has been approved under Section 505 of the federal Food, Drug, and Cosmetic Act;

[(e)] **(g)** Ketamine, its salts, isomers, and salts of isomers;

[(f)] **(h)** Lysergic acid;

[(g)] **(i)** Lysergic acid amide;

[(h)] **(j)** Methyprylon;

[(i)] **(k)** Sulfondiethylmethane;

[(j)] **(l)** Sulfonethylmethane;

[(k)] **(m)** Sulfonmethane;

[(l)] **(n)** Tiletamine and zolazepam or any salt thereof;

(3) Nalorphine;

(4) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or their salts:

(a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or **not** more than ninety

milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(g) Not more than five hundred milligrams of opium per one hundred milliliters or per one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(h) Not more than fifty milligrams of morphine per one hundred milliliters or per one hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts, as set forth in subdivision (6) of this subsection; buprenorphine;

(6) Anabolic steroids. Any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, [and] corticosteroids, **and dehydroepiandrosterone**) that promotes muscle growth, except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for that administration. If any person prescribes, dispenses, or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any quantity of the following substances, including its salts, **esters and ethers** [isomers and salts of isomers whenever the existence of such salts of isomers is possible within the specific chemical designation]:

- (a) [Boldenone;
- (b) Chlorotestosterone (4-Chlortestosterone);
- (c) Clostebol;
- (d) Dehydrochlormethyltestosterone;
- (e) Dihydrotestosterone (4-Dihydro-testosterone);
- (f) Drostanolone;
- (g) Ethylestrenol;
- (h) Fluoxymesterone;
- (i) Formebolone (Formebolone);
- (j) Mesterolone;
- (k) Methandienone;
- (l) Methandranone;
- (m) Methandriol;
- (n) Methandrostenolone;

- (o) Methenolone;
- (p) Methyltestosterone;
- (q) Mibolerone;
- (r) Nandrolone;
- (s) Norethandrolone;
- (t) Oxandrolone;
- (u) Oxymesterone;
- (v) Oxymetholone;
- (w) Stanolone;
- (x) Stanozolol;
- (y) Testolactone;
- (z) Testosterone;
- (aa) Trenbolone;
- (bb)] **3 β ,17-dihydroxy-5 α -androstan-3-one**;
- (b) 3 α ,17 β -dihydroxy-5 α -androstan-3-one**;
- (c) 5 α -androstan-3-one**;
- (d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androstan-1-ol)**;
- (e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androstan-1-ol)**;
- (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene)**;
- (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene)**;
- (h) 1-androstenedione ([5 α]-androst-1-en-3-one)**;
- (i) 4-androstenedione (androst-4-en-3-one)**;
- (j) 5-androstenedione (androst-5-en-3-one)**;
- (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one)**;
- (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one)**;
- (m) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one)**;
- (n) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one)**;
- (o) Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17 α -methyl-androst-1,4-dien-3-one)**;
- (p) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 β -hydroxy-5 α -androst-1-en-3-one)**;
- (q) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one)**;
- (r) Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one)**;
- (s) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene)**;

- (t) Fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
- (u) Formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);
- (v) Furazabol (17 α -methyl-17 β -hydroxyandrostano[2,3-c]-furazan);
- (w) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
- (x) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
- (y) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
- (z) Mestanolone (17 α -methyl-17 β -hydroxy-5-androstan-3-one);
- (aa) Mesterolone (1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one);
- (bb) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
- (cc) Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
- (dd) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
- (ee) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstan-3-one);
- (ff) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstan-3-one);
- (gg) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
- (hh) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -hydroxyestr-4-en-3-one);
- (ii) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
- (jj) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-one);
- (kk) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
- (ll) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
- (mm) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one)
(a.k.a. '17- α -methyl-1-testosterone');
- (nn) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
- (oo) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
- (pp) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
- (qq) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
- (rr) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
- (ss) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- (tt) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- (uu) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
- (vv) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
- (ww) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
- (xx) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);

(yy) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);

(zz) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);

(aaa) Oxymethalone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-androstan-3-one);

(bbb) Stanozolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-pyrazole);

(ccc) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);

(ddd) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);

(eee) Testosterone (17 β -hydroxyandrost-4-en-3-one);

(fff) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);

(ggg) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);

(hhh) Any salt, ester, or [isomer] **ether** of a drug or substance described or listed in this subdivision, [if that salt, ester or isomer promotes muscle growth] except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for that administration;

(7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product. [Some other names for dronabinol: (6aR-trans)-6a,7,8,10a- tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo (b,d) pyran-1-ol, or (-)-delta-9-(trans)-tetrahydracannabinol)];

(8) The department of health and senior services may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subdivisions (1) and (2) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

7. The department of health and senior services shall place a substance in Schedule IV if it finds that:

(1) The substance has a low potential for abuse relative to substances in Schedule III;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

8. The controlled substances listed in this subsection are included in Schedule IV:

(1) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(a) Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Dextropropoxyphene [(alpha-(+)-4-dimethyl-amino-1, 2-diphenyl-3-methyl-2- propionoxybutane)] **(alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2- propionoxybutane);**

(c) Any of the following limited quantities of narcotic drugs or their salts, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

a. Not more than two hundred milligrams of codeine per one hundred milliliters or per one hundred grams;

b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters or per one hundred grams;

c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters or per one hundred grams;

(2) Any material, compound, mixture or preparation containing any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) Alprazolam;

(b) Barbitol;

(c) Bromazepam;

(d) Camazepam;

(e) Chloral betaine;

(f) Chloral hydrate;

(g) Chlordiazepoxide;

(h) Clobazam;

(i) Clonazepam;

(j) Clorazepate;

(k) Clotiazepam;

(l) Cloxazolam;

(m) Delorazepam;

(n) Diazepam;

(o) Dichloralphenazone;

(p) Estazolam;

(q) Ethchlorvynol;

(r) Ethinamate;

(s) Ethyl loflazepate;

(t) Fludiazepam;

(u) Flunitrazepam;

(v) Flurazepam;

- (w) Halazepam;
- (x) Haloxazolam;
- (y) Ketazolam;
- (z) Loprazolam;
- (aa) Lorazepam;
- (bb) Lormetazepam;
- (cc) Mebutamate;
- (dd) Medazepam;
- (ee) Meprobamate;
- (ff) Methohexital;
- (gg) Methylphenobarbital (**mephobarbital**);
- (hh) Midazolam;
- (ii) Nimetazepam;
- (jj) Nitrazepam;
- (kk) Nordiazepam;
- (ll) Oxazepam;
- (mm) Oxazolam;
- (nn) Paraldehyde;
- (oo) Petrichloral;
- (pp) Phenobarbital;
- (qq) Pinazepam;
- (rr) Prazepam;
- (ss) Quazepam;
- (tt) Temazepam;
- (uu) Tetrazepam;
- (vv) Triazolam;
- (ww) Zaleplon;
- (xx) Zolpidem;
- (yy) Zopiclone;**

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substance including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible: fenfluramine;

(4) Any material, compound, mixture or preparation containing any quantity of the following

substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

- (a) Cathine ((+)-norpseudoephedrine);
- (b) Diethylpropion;
- (c) Fencamfamin;
- (d) Fenproporex;
- (e) Mazindol;
- (f) Mefenorex;
- (g) Modafinil;
- (h) Pemoline, including organometallic complexes and chelates thereof;
- (i) Phentermine;
- (j) Pipradrol;
- (k) Sibutramine;
- (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

(5) Any material, compound, mixture or preparation containing any quantity of the following substance, including its salts:

- (a) butorphanol;
- (b) pentazocine;

(6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance is the only active medicinal ingredient;

(7) The department of health and senior services may except by rule any compound, mixture, or preparation containing any depressant substance listed in subdivision (1) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

9. The department of health and senior services shall place a substance in Schedule V if it finds that:

(1) The substance has low potential for abuse relative to the controlled substances listed in Schedule IV;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

10. The controlled substances listed in this subsection are included in Schedule V:

(1) Any compound, mixture or preparation containing any of the following narcotic drugs or their salts

calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(a) Not more than two and five-tenths milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams;

(c) Not more than five-tenths milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(2) Any material, compound, mixture or preparation which contains any quantity of the following substance having a stimulant effect on the central nervous system including its salts, isomers and salts of isomers: pyrovalerone;

(3) Any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound, mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical isomers, or salts of optical isomers;

(4) Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts: pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

11. If any compound, mixture, or preparation as specified in subdivision (3) of subsection 10 of this section is dispensed, sold, or distributed in a pharmacy without a prescription:

(1) All packages of any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician; and

(2) Any person purchasing, receiving or otherwise acquiring any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers shall be at least eighteen years of age; and

(3) The pharmacist, **intern pharmacist**, or registered pharmacy technician shall require any person, **prior to their** purchasing, receiving or otherwise acquiring such compound, mixture, or preparation[, who is not known to the pharmacist or registered pharmacy technician,] to furnish suitable photo identification **that is issued by a state or the federal government or a document that, with respect to identification, is considered acceptable and** showing the date of birth of the person;

(4) The seller shall deliver the product directly into the custody of the purchaser.

12. [Within ninety days of the enactment of this section,] Pharmacists, **intern pharmacists**, and registered pharmacy technicians shall implement and maintain [a written or] **an** electronic log of each transaction. Such log shall include the following information:

- (1) The name [and], address, **and signature** of the purchaser;
- (2) The amount of the compound, mixture, or preparation purchased;
- (3) The date **and time** of each purchase; and
- (4) The name or initials of the pharmacist, **intern pharmacist**, or registered pharmacy technician who dispensed the compound, mixture, or preparation to the purchaser.

13. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in subdivision (3) of subsection 10 of this section in accordance with transmission methods and frequency established by the department by regulation;

14. No person shall dispense, sell, purchase, receive, or otherwise acquire quantities greater than those specified in this chapter.

[14.] **15.** [Within thirty days of the enactment of this section,] All persons who dispense or offer for sale pseudoephedrine and ephedrine products in a pharmacy shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

[15. Within thirty days of the enactment of this section, any business entity which sells ephedrine or pseudoephedrine products in the course of legitimate business which is in the possession of pseudoephedrine and ephedrine products, and which does not have a state and federal controlled substances registration, shall return these products to a manufacturer or distributor or transfer them to an authorized controlled substances registrant.]

16. Any person who knowingly or recklessly violates the provisions of subsections 11 to 15 of this section is guilty of a class A misdemeanor.

17. The scheduling of substances specified in subdivision (3) of subsection 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any compound, mixture, or preparation specified in subdivision (3) of subsection 10 of this section which must be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.

18. The manufacturer of a drug product or another interested party may apply with the department of health and senior services for an exemption from this section. The department of health and senior services may grant an exemption by rule from this section if the department finds the drug product is not used in the illegal manufacture of methamphetamine or other controlled or dangerous substances. The department of health and senior services shall rely on reports from law enforcement and law enforcement evidentiary laboratories in determining if the proposed product can be used to manufacture illicit controlled substances.

19. The department of health and senior services shall revise and republish the schedules annually.

20. The department of health and senior services shall promulgate rules under chapter 536, RSMo, regarding the security and storage of Schedule V controlled substances, as described in subdivision (3) of subsection 10 of this section, for distributors as registered by the department of health and senior services.

21. Logs of transactions required to be kept and maintained by this section and section 195.417, shall create a rebuttable presumption that the person whose name appears in the logs is the person whose transactions are recorded in the logs.”; and

Further amend said Substitute, Section 195.100, Page 3, Line 25 by inserting immediately after said

Line the following:

“195.417. 1. The limits specified in [subsection 2 of] this section shall not apply to any quantity of such product, mixture, or preparation **which must be dispensed, sold, or distributed in a pharmacy** pursuant to a valid prescription.

2. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, **phenylpropanolamine**, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

- (1) The sole active ingredient; or
- (2) One of the active ingredients of a combination drug; or
- (3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;

in any total amount greater than nine grams, **without regard to the number of transactions.**

3. **Within any twenty-four hour period, no pharmacist, intern pharmacist, or registered pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:**

- (1) The sole active ingredient; or**
- (2) One of the active ingredients of a combination drug; or**
- (3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;**

in any total amount greater than three and six tenths grams without regard to the number of transactions.

4. All packages of any compound, mixture, or preparation containing any detectable quantity of ephedrine, **phenylpropanolamine**, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician under section 195.017.

[4.] 5. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in this section in accordance with transmission methods and frequency established by the department by regulation;

6. This section shall supersede and preempt any local ordinances or regulations, including any ordinances or regulations enacted by any political subdivision of the state. This section shall not apply to [any products that the state department of health and senior services, upon application of a manufacturer, exempts by rule from this section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors or to] the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

7. All logs, records, documents, and electronic information maintained for the dispensing of these

products shall be open for inspection and copying by municipal, county, and state or federal law enforcement officers whose duty it is to enforce the controlled substances laws of this state or the United States.

[5. Persons selling and dispensing substances containing any detectable amount of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers shall maintain logs, documents, and records as specified in section 195.017. Persons selling only compounds, mixtures, or preparations that are excluded from Schedule V in subsection 17 or 18 of section 195.017 shall not be required to maintain such logs, documents, and records. All logs, records, documents, and electronic information maintained for the dispensing of these products shall be open for inspection and copying by municipal, county, and state or federal law enforcement officers whose duty it is to enforce the controlled substances laws of this state or the United States.

6.] 8. Within thirty days of June 15, 2005, all persons who dispense or offer for sale pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

[7. Within thirty days of June 15, 2005, any business entity which sells ephedrine or pseudoephedrine products in the course of legitimate business which is in the possession of pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, and which does not have a state and federal controlled substances registration, shall return these products to a manufacturer or distributor or transfer them to an authorized controlled substance registrant.

8.] 9. Any person who knowingly or recklessly violates this section is guilty of a class A misdemeanor.

[9. The provisions of subsection 2 of this section limiting individuals from purchasing the specified amount in any thirty-day period shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form. However, no person shall purchase, receive, or otherwise acquire more than nine grams of any compound, mixture, or preparation excluded in subsection 17 or 18 of section 195.017, in a single purchase as provided in subsection 2 of this section.]"; and

Further amend said Substitute, Section 335.019, Page 9, Line 20 by inserting immediately after said Line the following:

"Section B. The repeal and reenactment of sections 195.017 and 195.417 of this act shall become effective January 1, 2009."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 1, In the Title, Line 2, by deleting "and 335.016" and inserting in lieu thereof the following: ", 335.016, and 335.076"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting "and 335.016" and inserting in lieu thereof the following: ", 335.016, and 335.076"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word “five” and inserting in lieu thereof the word “six”; and

Further amend said bill, Page 1, Section A, Line 3, by deleting “and 335.019” and inserting in lieu thereof the following: “, 335.019, and 335.076”; and

Further amend said bill, Page 9, Section 335.019, Line 20, by inserting after all of said line the following:

“335.076. 1. Any person who holds a license to practice professional nursing in this state may use the title “Registered Professional Nurse” and the abbreviation “R.N.”. No other person shall use the title “Registered Professional Nurse” or the abbreviation “R.N.”. No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a registered professional nurse.

2. Any person who holds a license to practice practical nursing in this state may use the title “Licensed Practical Nurse” and the abbreviation “L.P.N.”. No other person shall use the title “Licensed Practical Nurse” or the abbreviation “L.P.N.”. No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a licensed practical nurse.

3. Any person who holds a license or recognition to practice advanced practice nursing in this state may use the title “Advanced Practice Registered Nurse”, and the abbreviation “APRN”, and any other title designations appearing on his or her license. No other person shall use the title “Advanced Practice Registered Nurse” or the abbreviation “APRN”. No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is an advanced practice registered nurse.

4. No person shall practice or offer to practice professional nursing, practical nursing, or advanced practice nursing in this state or use any title, sign, abbreviation, card, or device to indicate that such person is a practicing professional nurse, practical nurse, or advanced practice nurse unless he or she has been duly licensed under the provisions of this chapter.

5. In the interest of public safety and consumer awareness, it is unlawful for any person to use the title “nurse” in reference to himself or herself in any capacity, except individuals who are or have been licensed as a registered nurse, licensed practical nurse, or advanced practice registered nurse under this chapter.

6. Notwithstanding any law to the contrary, nothing in this chapter shall prohibit a [person listed as a] Christian Science nurse [in the Christian Science Journal published by the Christian Science Publishing Society, Boston, Massachusetts,] from using the title “Christian Science nurse”, so long as such person provides **only** religious nonmedical services when offering or providing **such** services to [a member of his or her own religious organization and does not hold his or her own religious organization] **those who choose to rely upon healing by spiritual means alone** and does not hold himself or herself out as a registered nurse, advanced practice registered nurse, nurse practitioner, licensed practical nurse, nurse midwife, clinical nurse specialist, or nurse anesthetist, unless otherwise authorized by law to do so.”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House

refuses to recede from its position on **HCS for SB 958** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS for HCS for HB 2188** and has taken up and passed **SCS for HCS for HB 2188**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS for SB 958**. Representatives: Schad, Sutherland, Hobbs, Walsh and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS for SB 841**, as amended. Representatives: St. Onge, Cooper (120), Wasson, Fallert and Meadows.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 2260**, entitled:

An Act to repeal sections 620.1039, and 620.1220, RSMo, and to enact in lieu thereof two new sections relating to tax credits for qualified research expenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 907**, entitled:

An Act to repeal sections 260.1003, 319.129, 319.131, 319.133, and 414.072, RSMo, and to enact in lieu thereof seven new sections relating to the regulation of motor fuel tanks and equipment.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 907, Section 260.1003, Page 2, Line 33 by inserting immediately after said Line the following:

“319.109. The department shall establish requirements for the reporting of any releases and corrective action taken in response to a release from an underground storage tank, including the specific quantity of a regulated substance, which if released, requires reporting and corrective action. In so doing, the department shall use risk-based corrective standards which take into account the level of risk to public health and the environment associated with site-specific conditions and future land usage. The hazardous waste management commission is authorized to promulgate rules to implement this section, in accordance with section 319.137. **By February 13, 2009, the hazardous waste management commission shall propose rules to implement the provisions of this section.** To the extent there is a conflict between this section and section 644.143, RSMo, or 644.026, RSMo, this section shall prevail.”; and

Further amend said Substitute, Section 319.129, Page 4, Lines 53-54 by deleting all of said Lines and inserting in lieu thereof the following:

“8. [All] The board of trustees shall be a type III agency and shall appoint an executive director and other employees as needed, who shall be state employees and be eligible for all corresponding benefits. The executive director shall have charge of the offices, operations, records, and other employees of the board, subject to the direction of the board. Employees of the board shall receive such salaries and necessary expenses as shall be fixed by the board.”; and

Further amend said Substitute, Section 319.131, Page 5, Line 13 by deleting the open bracket “[” in the first instance and the closed bracket “]” in the first instance; and

Further amend said Substitute, said Section, Page 7, Line 77 by deleting the word **“available”**; and

Further amend said Substitute, said Section, Page 8, Line 133 by inserting immediately after the word **“subsection”** the following:

“, provided the creditor, who is a successor in interest as provided in subdivision (2) of subsection 3 of this section, is subject to no greater or lesser responsibility for corrective action than such successor in interest would have on or before December 31, 2017”; and

Further amend said Substitute, said Section, Page 9, Line 144 by inserting immediately after the word **“subsection”** the following:

“, provided the creditor, who is a successor in interest as provided in subdivision (2) of subsection 3 of this section, is subject to no greater or lesser responsibility for corrective action than such successor in interest would have on or before December 31, 2017”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 907, Page 1, Section A, Line 3 by inserting after said line the following:

“49.292. 1. Notwithstanding any other law to the contrary, the county commission of any county may reject the transfer of title of real property to the county by donation or dedication if the commission determines that such rejection is in the public interest of the county.

2. No transfer of title of real property to the county commission or any other political subdivision by donation or dedication authorized to be recorded in the office of the recorder of deeds shall be valid unless it has been proved or acknowledged. The preparer of the document relating to subsection 1 of this section shall not submit a document to the recorder of deeds for recording unless the acceptance thereof of the grantee named in the document has been proved or acknowledged. No water or sewer line easement shall be construed as a transfer of title of real property under this subsection.”; and

Further amend said bill, Page 12, Section 414.072, Line 13 by inserting after said line the following:

“442.558. 1. As used in this section, the following terms shall mean:

(1) “Transfer”, the sale, gift, conveyance, assignment, inheritance, or other transfer of ownership interest in real property located in this state;

(2) “Transfer fee”, a fee or charge payable upon the transfer of an interest in real property, or payable for the right to make or accept such transfer, regardless of whether the fee or charge is a fixed amount or is determined as a percentage of the value of the property, the purchase price, or other consideration given for the transfer. Transfer fee shall not include the following:

(a) Any consideration payable by the grantee to the grantor for the interest in real property being transferred;

(b) Any commission payable to a licensed real estate broker for the transfer of real property under an agreement between the broker and the grantor or the grantee;

(c) Any interest, charges, fees, or other amounts payable by a borrower to a lender under a loan secured by a mortgage against real property, including but not limited to any fee payable to the lender for consenting to an assumption of the loan or a transfer of the real property subject to the mortgage, any fees or charges payable to the lender for estoppel letters or certificates, and any other consideration allowed by law and payable to the lender in connection with the loan;

(d) Any rent, reimbursement, charge, fee, or other amount payable by a lessee to a lessor under a lease, including but not limited to any fee payable to the lessor for consenting to an assignment, subletting, encumbrance, or transfer of the lease;

(e) Any consideration payable to the holder of an option to purchase an interest in real property or the holder of a right of first refusal or first offer to purchase an interest in real property for waiving, releasing, or not exercising the option or right upon the transfer of the property to another person;

(f) Any tax, fee, charge, assessment, fine, or other amount payable to or imposed by a governmental authority;

(3) “Transfer fee covenant”, a declaration or covenant purporting to affect real property which requires or purports to require the payment of a transfer fee to the declarant or other person specified in the declaration or covenant or to their successors or assigns upon a subsequent transfer of an interest in the real property.

2. A transfer fee covenant recorded in this state on or after September 1, 2008, shall not run with the title to real property and is not binding on or enforceable at law or in equity against any subsequent owner, purchaser, or mortgagee of any interest in real property as an equitable servitude or otherwise. Any lien purporting to secure the payment of a transfer fee under a transfer fee covenant recorded in this state on or after September 1, 2008, is void and unenforceable.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 830**, entitled:

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to combat veterans.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted the Emergency Clause on Truly Agreed To and Finally Passed **SS** for **SCS** for **SB 944**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 839**.

Bill ordered enrolled.

PRIVILEGED MOTIONS

Senator Purgason, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 931** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 931

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 931, with House Amendment Nos. 1 and 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 931, as amended;
2. The Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 931;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 931, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Chuck Purgason
/s/ Dan Clemens
/s/ Jack A.L. Goodman
/s/ Frank A. Barnitz
/s/ Wes Shoemyer

FOR THE HOUSE:

/s/ Brian Munzlinger
/s/ Mike Dethrow
/s/ Donald Wells
/s/ Terry L. Witte
/s/ Joe Aull

Senator Purgason moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Champion	Clemens	Coleman	Days	Dempsey	Engler
Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy	Koster

Lager	Loudon	Mayer	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senator Callahan—1

Absent—Senators

Crowell	McKenna—2
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Absent with leave—Senator Bartle—1

Vacancies—None

On motion of Senator Purgason, **CCS** for **HCS** for **SS** for **SCS** for **SB 931**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 931

An Act to repeal sections 135.800, 135.805, 142.028, 260.546, 261.035, 261.230, 261.235, 261.239, 263.232, 265.200, 278.070, 281.260, 340.337, 340.341, 340.375, 340.381, 340.384, 340.387, 340.390, 340.393, 340.396, 340.399, 340.402, 340.405, 348.430, 348.432, and 348.505, RSMo, and to enact in lieu thereof thirty-seven new sections relating to the administration of agriculture incentives and programs.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Champion	Clemens	Coleman	Days	Dempsey	Engler
Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senator Callahan—1

Absent—Senators

Crowell	McKenna—2
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Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 958**: Senators Goodman, Stouffer, Clemens, McKenna and Justus.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 841**, as amended: Senators Stouffer, Clemens, Goodman, Shoemyer and Callahan.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
May 1, 2008

TO THE SECRETARY OF THE SENATE
94TH GENERAL ASSEMBLY
SECOND REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Bill No. 1066 entitled:

AN ACT

To repeal sections 160.254, 160.530, and 168.021, RSMo, and to enact in lieu thereof four new sections relating solely to teacher certification.
On May 1, 2008 I approved said Senate Bill No. 1066.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
May 1, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James R. Tweedy, Democrat, 1000 South Prairie, Bloomfield, Stoddard County, Missouri 63825, as a member of the Missouri Ethics Commission, for a term ending March 15, 2012, and until his successor is duly appointed and qualified; vice, Michael J. Schmid, withdrawn.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above gubernatorial appointment to the Committee on Gubernatorial Appointments.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 27**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 32**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 33**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 35**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 7**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 23**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Concurrent Resolution No. 23, Page 743 of the Senate Journal for Monday, April 7, 2008, Line 29 of said page, by striking the word “third” and inserting in lieu thereof the following: “**fourth**”.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 30**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 30

WHEREAS, competition in the voice communications industry is developing rapidly and is widespread in the State of Missouri; and

WHEREAS, Missouri law governing the telecommunications industry must evolve to meet the needs of Missouri consumers; and

WHEREAS, consumer choice in voice communications is available through the traditional wireline, wireless, cable, and interconnected voice over Internet protocol industries; and

WHEREAS, the methodology by which carriers are compensated for the use of their network is, by its nature, complex, detailed, and inter-related to numerous other economic forces; and

WHEREAS, the need to make equitable changes in the inter-carrier compensation regime will require a comprehensive, holistic, and deliberate approach to reform; and

WHEREAS, due to the complex nature of inter-carrier compensation, comprehensive study and discussion is required; and

WHEREAS, pricing of voice telecommunications services is important to promote competition for the long-term benefit of consumers; and

WHEREAS, a forum for review and discussion between these very competitive industries will aid in addressing the concerns of both the industry and consumers:

NOW THEREFORE BE IT RESOLVED by the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, that to ensure that thoughtful and necessary changes to the regulation of voice communications in Missouri and the need to protect Missouri consumers and provide them with more communications choices, the General Assembly must endeavor to comprehensively study further the matters detailed herein; and

BE IT FURTHER RESOLVED that the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, hereby establish a Joint Interim Committee on Voice Communications Regulation to be composed of ten members, five of which shall be from the House of Representatives with three appointed by the Speaker of the House and two appointed by the Minority Floor Leader of the House, and five members shall be from the Senate with three appointed by the President Pro Tem of the Senate and two appointed by the Minority Floor Leader of the Senate; and

BE IT FURTHER RESOLVED that the Joint Interim Committee is authorized to function during the legislative interim between the Second Regular Session of the Ninety-fourth General Assembly through January 15, 2009, of the First Regular Session of the Ninety-fifth General Assembly to study the following:

(1) The need to make changes to the inter-carrier compensation system wherein voice communications providers exchange traffic on other provider's networks; and

(2) The issue of whether market-based pricing exists in the voice telecommunications industry, and any recommended action to be taken by the General Assembly, if any; and

(3) Such other matters as the Joint Interim Committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding these issues; and

BE IT FURTHER RESOLVED that the Joint Interim Committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary for submission to the General Assembly by January 15, 2009; and

BE IT FURTHER RESOLVED that the Joint Interim Committee may solicit input and information necessary to fulfill its obligations, including but not limited to soliciting input and information from any state department or agency the Joint Interim Committee deems relevant, consumer advocates, political subdivisions of this State, and the general public; and

BE IT FURTHER RESOLVED that the staffs of House Research, the Joint Committee on Legislative Research, and Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Interim Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Joint Interim Committee, its members, and any staff assigned to the Joint Interim Committee incurred by the Joint Interim Committee shall be paid by the Joint Contingent Fund; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the United States Secretary of Defense, the Secretary of the Air Force, and each member of the Missouri Congressional delegation.

Senator Nodler, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2016**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2023**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTIONS OF GUESTS

The President introduced to the Senate, Abriana Francis Andrews, her mother, Crystal Dawn

Adamson and her sister, Michelle LeAnn Andrews, Seneca; and Kathryn Ann Watson and Heather Lynn Lesmeister.

Senator Dempsey introduced to the Senate, seventh grade students from Immanuel Lutheran School, St. Charles.

Senator Crowell introduced to the Senate, students from Eagle Ridge Christian School and fourth grade students from Franklin Elementary School, Cape Girardeau.

Senator Barnitz introduced to the Senate, Miss Glader, Miss Lansford, Miss Brown and sixty-three fourth grade students from Maries County R-II School, Belle.

Senator Bartle introduced to the Senate, fourth grade students from Underwood and Mason Elementary Schools, Lee's Summit.

Senator Barnitz introduced to the Senate, Alice Ruth Bremer, Bourbon; her daughter, Monica Sagehorn, Cuba; and Mary D. Heywood, Bourbon.

Senator Bartle introduced to the Senate, Marge Caffey, Lee's Summit.

Senator Ridgeway introduced to the Senate, Clifford Whittaker and his daughter, Barbara; and Chris Whittaker, Clay County.

Senator Koster introduced to the Senate, Sheriff Ron Peckman, Richard Peckman and William and Marie Cox, Vernon County.

Senator Griesheimer introduced to the Senate, Jean Hines, Sullivan.

Senator Lager introduced to the Senate, Laurel Lee Burton, Clarksdale.

Senator Engler introduced to the Senate, seventh grade students from Sunrise School, Jefferson County.

Senator Callahan introduced to the Senate, the Physician of the Day, Dr. Christopher Best, M.D., Kansas City.

On motion of Senator Shields, the Senate adjourned until 2:00 p.m., Monday, May 5, 2008.

SENATE CALENDAR

SIXTY-SECOND DAY—MONDAY, MAY 5, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)

SCS for SB 1170-Mayer

HOUSE BILLS ON THIRD READING

1. HB 1532-Davis, with SCS (Rupp)
2. HCS for HB 1393 (Ridgeway)
3. HCS for HBs 1595 & 1668 (Mayer)
(In Fiscal Oversight)
4. HCS for HB 1550 (Dempsey)
(In Fiscal Oversight)
5. HB 1923-Jones (117) and Pratt
(Barnitz) (In Fiscal Oversight)
6. HCS for HB 1904, with SCS (Goodman)
7. HCS for HB 1516, with SCS (Goodman)
8. HCS for HB 2041, with SCS (Scott)
9. HCS for HB 2034, with SCS (Engler)
10. HCS for HB 1790, HB 1805 & HCS for
HB 1546, with SCS (Shields)

11. HB 2081-Dougherty, with SCS
12. HCS for HB 1474, with SCS (Scott)
13. HCS#2 for HB 1463, with SCS
14. HCS for HBs 1549, 1771, 1395 & 2366
(Rupp)
15. HB 1358-Flook, et al (Ridgeway)
16. HCS for HB 1722, with SCS (Mayer)
17. HB 2191-Nasheed, et al, with SCS
(Coleman)
18. HCS for HB 2279, with SCS (Engler)
19. HCS for HB 2016 (Nodler)
20. HCS for HB 2023, with SCS (Nodler)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS
SB 713-Gibbons, with SCS
SB 716-Loudon, et al
SB 717-Kennedy and Shields
SB 729-Griesheimer, with SCS
SB 749-Ridgeway, with SCS
SB 756-Engler and Rupp, with SCS (pending)
SB 776-Justus and Koster, with SCS
SB 809-Stouffer, with SCS, SS for SCS &
SA 1 (pending)
SB 811-Stouffer, with SCS, SA 1 & point
of order (pending)
SB 815-Goodman
SB 821-Shoemyer, with SCS (pending)
SBs 840 & 857-Engler, with SCS & SS for
SCS (pending)

SB 861-Shoemyer, with SCS
SB 874-Graham, with SCS
SB 877-Mayer
SB 881-Green
SB 904-Griesheimer, with SCS
SBs 909, 954, 934 & 1003-Engler, with SCS
SB 915-Ridgeway
SB 917-Goodman, et al
SB 929-Green and Callahan, with SCS
SB 957-Goodman
SBs 982, 834 & 819-Purgason, with SCS
SB 990-Champion
SBs 993 & 770-Crowell, with SCS, SS for
SCS, SA 4 & SSA 1 for SA 4 (pending)
SB 996-Crowell, with SCS
SB 997-Crowell

SB 1000-Justus
 SB 1007-Loudon, with SA 2 (pending)
 SBs 1021 & 870-Loudon, et al, with SCS,
 SS for SCS & SA 2 (pending)
 SB 1035-Scott, with SCS
 SB 1046-Mayer, with SA 1 & SSA 1 for
 SA 1 (pending)
 SB 1052-Rupp
 SB 1054-Dempsey, with SCS
 SB 1057-Scott, with SCS
 SB 1058-Mayer
 SB 1067-Ridgeway, et al
 SB 1077-Goodman, with SS (pending)
 SB 1093-Loudon, et al
 SB 1094-Loudon, with SCS
 SB 1099-Graham, with SA 1 (pending)

SB 1101-Bray, et al
 SB 1103-Gibbons
 SB 1138-McKenna, with SCS
 SB 1158-Mayer, with SCS
 SB 1164-Loudon
 SB 1180-Crowell
 SB 1183-Bray, with SCS
 SB 1194-Goodman
 SB 1197-Crowell
 SBs 1234 & 1270-Shields, with SCS & SS#2
 for SCS (pending)
 SB 1240-Dempsey
 SB 1244-Barnitz and Purgason
 SB 1275-Vogel
 SB 1278-Shields
 SJR 43-Loudon

HOUSE BILLS ON THIRD READING

HCS for HB 1341 (Nodler)
 HB 1384 & HB 2157-Cox, et al, with SCS
 (Gibbons)
 HB 1617-Cunningham (86), et al (Dempsey)
 HB 1656-Nance and Cooper (155), with SCS
 (Stouffer)
 HB 1661-LeVota, et al (Ridgeway)
 HB 1711-Weter, et al, with SCS & SS for
 SCS (pending) (Clemens)
 HCS for HB 1715, with SCS (Scott)
 HCS for HB 1763 (Engler)

HCS for HBs 1876 & 1877, with SCS (Mayer)
 HB 1937-Pearce, et al, with SCS (Scott)
 HB 1973-Franz, with SCS (Engler)
 HB 1983-Pratt, with SCS (Goodman)
 HCS for HB 2068 (Scott)
 HCS for HB 2104, HB 1574, HB 1706, HCS
 for HB 1774, HB 2055 & HCS for HB 2056,
 with SCS (Crowell)
 HB 2226-Muschany (Rupp)
 HCS for HJR 55 (Crowell)

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)
 HB 1670-Cooper (120) (Dempsey)
 HB 1828-Sutherland (Vogel)
 HCS for HB 1804, with SCS (Days)
 HB 2047-Curls, et al, with SCS (Callahan)

HB 1410-Flook, et al (Ridgeway)
 HCS for HB 1888 (Clemens)
 HB 1368-Thomson (Lager)
 HCS for HB 1807, with SCS (Mayer)
 HB 1869-Wilson (130), et al (Goodman)

HCS for HB 2048, with SCS (Engler)
HB 2213-Kraus, et al (Shields)
HB 1422-St. Onge, et al, with SCS
(Stouffer)
HB 1354-Wilson (119), et al (Scott)
HCS for HB 1575 (Vogel)

HB 1952-Loehner, et al (Barnitz)
HB 1887-Parson (Scott)
HCS for HB 2360 (Lager)
HB 1311-Hoskins, with SCS (Engler)
HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin (Ridgeway)
HB 2065-Wasson, with SCS (Scott)
HB 1450-Roord, et al, with SCS (McKenna)
HB 2233-Page, et al (Shields)

HB 1419-Portwood (Loudon)
HB 1791-Cooper (155), et al (Barnitz)
HB 1689-Wilson (130), with SCS (Scott)
HCS for HB 1690, with SCS (Scott)

Reported 4/15

HCS for HB 1380 (Goodman)
HCS for HB 2036 (Stouffer)
HB 1946-Franz, with SCS (Champion)
HB 1849-Pratt and Curls (Justus)
HB 1640-Schoeller, et al, with SCS
(Goodman)
HB 1570-Franz, with SCS (Champion)

HB 1469-Pratt (Goodman)
HB 1710-Flook (Ridgeway)
HCS for HB 1783 (Engler)
HB 1784-Meadows, et al (McKenna)
HB 1313-Wright, et al (Mayer)
HCS for HB 1893 (Dempsey)
HB 1881-Schlottach (Kennedy)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 724-Scott, et al, with HCS,
as amended
SCS for SB 830-Coleman, with HCS
SB 863-Rupp, with HCS
SCS for SB 907-Engler, with HCS, as
amended

SB 1068-Mayer, with HA 1 & HA 3
SB 1074-Dempsey, with HCS, as amended
SB 1140-Vogel, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 841-Stouffer, with HCS, as amended
SS for SCS for SB 931-Purgason,
with HCS, as amended
(Senate adopted CCR and passed CCS)

SB 958-Goodman, with HCS
HCS for HB 2002, with SCS (Nodler)
HCS for HB 2003, with SCS (Nodler)
HB 2004, with SCS (Nodler)

HCS for HB 2005, with SCS (Nodler)
HCS for HB 2006, with SCS (Nodler)
HCS for HB 2007, with SCS (Nodler)
HCS for HB 2008, with SCS (Nodler)
HCS for HB 2009, with SCS (Nodler)

HCS for HB 2010, with SCS (Nodler)
HCS for HB 2011, with SCS (Nodler)
HCS for HB 2012, with SCS (Nodler)
HCS for HB 2013, with SCS (Nodler)

RESOLUTIONS

Reported from Committee

SCR 27-Champion
SCR 32-Purgason
SCR 33-Bray
SCR 35-Shoemyer, et al

HCR 7-Pearce, et al (Rupp)
HCR 23-Dixon, et al, with SCA 1
HCR 30-Emery, et al, with SCS

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Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SECOND DAY—MONDAY, MAY 5, 2008

The Senate met pursuant to adjournment.

Senator Scott in the Chair.

Reverend Carl Gauck offered the following prayer:

“So let us not grow weary in well-doing, for in due season we shall reap, if we do not lose heart. So then, whenever we have an opportunity, let us work for the good of all,..” (Galatians 6:9-10a)

Creator God, we desire to live wholesome and pure lives that are open to the joys You provide us each day and we seek to be Your hands and voice this week in our work here. There is much to be done and so we seek Your help and guidance so our decisions are wise and our actions are helpful. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, May 1, 2008 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Graham offered Senate Resolution No. 2577, regarding Julia Marsh, Columbia, which was adopted.

Senator Lager offered Senate Resolution No. 2578, regarding Thomas Butt, Jr., Stanberry, which was adopted.

Senator Lager offered Senate Resolution No. 2579, regarding Stewartsville High School, Stewartsville, which was adopted.

Senator Lager offered Senate Resolution No. 2580, regarding Jefferson High School, which was adopted.

Senator Lager offered Senate Resolution No. 2581, regarding South Nodaway High School, Barnard, which was adopted.

Senator Lager offered Senate Resolution No. 2582, regarding Stanberry High School, Stanberry, which was adopted.

Senator Purgason offered Senate Resolution No. 2583, regarding Bobbi Arnold, Lake Ozark, which was adopted.

Senator Crowell offered Senate Resolution No. 2584, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Mike Rice, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 2585, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles H. Mangels, Oak Ridge, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2586, regarding Linda Witte, which was adopted.

Senator Coleman offered Senate Resolution No. 2587, regarding Metro Academic High School, which was adopted.

Senator Coleman offered Senate Resolution No. 2588, regarding McKinley Classical Junior Academy, which was adopted.

Senator Lager offered Senate Resolution No. 2589, regarding Ron McElwain, which was adopted.

Senator Lager offered Senate Resolution No. 2590, regarding Judy McElwain, which was adopted.

Senator Lager offered Senate Resolution No. 2591, regarding Janice Gaiser, which was adopted.

Senator Lager offered Senate Resolution No. 2592, regarding Glenda McManus, which was adopted.

Senator Lager offered Senate Resolution No. 2593, regarding Joyce A. Sherard, which was adopted.

Senator Lager offered Senate Resolution No. 2594, regarding Judith Colhour, which was adopted.

Senator Lager offered Senate Resolution No. 2595, regarding Juanita Nelle Daul, which was adopted.

Senator Lager offered Senate Resolution No. 2596, regarding Paul Niece, which was adopted.

Senator Engler offered Senate Resolution No. 2597, regarding Francis L. Basler, Bonne Terre, which was adopted.

Senator Engler offered Senate Resolution No. 2598, regarding the Seventy-fifth Anniversary of the Veterans of Foreign Wars Post 1831, De Soto, which was adopted.

Senator Engler offered Senate Resolution No. 2599, regarding the One Hundred Fiftieth Anniversary of the First Baptist Church, Ironton, which was adopted.

Senator Engler offered Senate Resolution No. 2600, regarding Joyce E. Pasternak, Bonne Terre, which was adopted.

Senator Bartle offered Senate Resolution No. 2601, regarding Blue Springs High School, which was adopted.

Senator Bartle offered Senate Resolution No. 2602, regarding Lee's Summit High School, which was adopted.

Senator Bray offered Senate Resolution No. 2603, regarding Anne Flaker, Columbia, which was adopted.

Senator Bray offered Senate Resolution No. 2604, regarding Stephanie Vandas, Ballwin, which was adopted.

Senator Shields offered Senate Resolution No. 2605, regarding John Bell, Kansas City, which was adopted.

Senator Crowell offered Senate Resolution No. 2606, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Edgar L. Moll, Jackson, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

May 2, 2008

TO THE SECRETARY OF THE SENATE

94th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 967 entitled:

AN ACT

To repeal section 173.387, RSMo, and to enact in lieu thereof one new section relating to federally guaranteed student loans, with an emergency clause.

On May 2, 2008 I approved said Senate Committee Substitute For Senate Bill No. 967.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

May 2, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Valerie J. White, Republican, 619 Loughmoor Pass, Weldon Spring, Saint Charles County, Missouri 63304, as a member of the Missouri Women's Council, for a term ending December 6, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above appointment to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HB 1516**, with **SCS**; **HB 2191**, with **SCS**; and **HCS** for **HB 2279**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON THIRD READING

HB 1532, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1393** was placed on the Informal Calendar.

HCS for **HB 1904**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 2041**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 2034**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1790**, **HB 1805** and **HCS** for **HB 1546**, with **SCS**, were placed on the Informal Calendar.

HB 2081, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1474**, with **SCS**, was placed on the Informal Calendar.

HCS No. 2 for **HB 1463**, with **SCS**, was placed on the Informal Calendar.

HCS for **HBs 1549, 1771, 1395** and **2366** was placed on the Informal Calendar.

HB 1358 was placed on the Informal Calendar.

HCS for **HB 1722**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 2016**, entitled:

An Act to appropriate money for capital improvement and other purposes for several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2008 and ending June 30, 2009.

Was taken up by Senator Nodler.

At the request of Senator Nodler, **HCS** for **HB 2016** was placed on the Informal Calendar.

HCS for **HB 2034**, with **SCS**, entitled:

An Act to repeal section 537.294, RSMo, and to enact in lieu thereof three new sections relating to firearm ranges and hunting preserves.

Was called from the Informal Calendar and taken up by Senator Engler.

SCS for **HCS** for **HB 2034**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2034

An Act to repeal sections 537.294, 571.010, 571.020, 571.070, and 571.101, RSMo, and to enact in lieu thereof nine new sections relating to weapons, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS** for **HCS** for **HB 2034** be adopted.

Senator Engler offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2034, Page 10, Section 571.101, Line 65, by striking “is a resident of the state of” and inserting in lieu thereof the following: “**has assumed residency in**”; and further amend line 66, by striking the following: “and has been a resident thereof for the last six months”.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Engler moved that **SCS** for **HCS** for **HB 2034**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **HCS** for **HB 2034**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel—30		

NAYS—Senators

Bray	Justus	Smith	Wilson—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

President Kinder assumed the Chair.

HB 1384, introduced by Representative Cox, et al, and **HB 2157**, introduced by Representative Grill,

et al, with **SCS**, entitled respectively:

An Act to amend chapter 570, RSMo, by adding thereto one new section relating to identity theft incident reports.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to identify theft.

Were called from the Informal Calendar and taken up by Senator Gibbons.

SCS for **HB 1384** and **HB 2157**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1384
and
HOUSE BILL NO. 2157

An Act to amend chapters 407 and 570, RSMo, by adding thereto eleven new sections relating to protecting consumers against fraudulent practices, with penalty provisions.

Was taken up.

Senator Gibbons moved that **SCS** for **HB 1384** and **HB 2157** be adopted.

Senator Gibbons offered **SS** for **SCS** for **HB 1384** and **HB 2157**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1384
and
HOUSE BILL NO. 2157

An Act to amend chapters 407 and 570, RSMo, by adding thereto six new sections relating to identity protection, with penalty provisions.

Senator Gibbons moved that **SS** for **SCS** for **HB 1384** and **HB 2157** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS** for **SCS** for **HB 1384** and **HB 2157** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Mayer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Nodler moved that **HCS** for **HB 2016** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Nodler, **HCS** for **HB 2016** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Lager assumed the Chair.

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 2023**, with **SCS**, entitled:

An Act to appropriate money for planning, expenses, and for capital improvements including, but not limited to, major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Was taken up by Senator Nodler.

SCS for **HCS** for **HB 2023**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2023

An Act to appropriate money for planning, expenses, and for capital improvements including, but not limited to, major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 2023** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 2023** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Mayer	McKenna	Nodler	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senators

Bartle	Lager	Loudon	Purgason—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Scott moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 724**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon; and further that the conferees be allowed to exceed the differences by exempting collaborative practice arrangements within certain population-based public health services, as described in 20 CSR 2150-5.100, from the limitations contained in section 334.104, RSMo, which motion prevailed.

Senator Coleman moved that **SCS** for **SB 830**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 830**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 830

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to combat veterans.

Was taken up.

Senator Coleman moved that **HCS** for **SCS** for **SB 830** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Coleman	Crowell	Days
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Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Champion Green—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Coleman, **HCS** for **SCS** for **SB 830** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Champion Green—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Engler moved that **SCS** for **SB 907**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 907**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 907

An Act to repeal sections 260.1003, 319.129, 319.131, 319.133, and 414.072, RSMo, and to enact in lieu thereof seven new sections relating to the regulation of motor fuel tanks and equipment.

Was taken up.

Senator Engler moved that **HCS** for **SCS** for **SB 907**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Engler, **HCS** for **SCS** for **SB 907**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Barnitz—1

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Vogel moved that **SB 1140**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1140**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1140

An Act to repeal sections 33.103 and 37.005, RSMo, and to enact in lieu thereof two new sections relating to the office of administration, with an emergency clause.

Was taken up.

Senator Vogel moved that **HCS** for **SB 1140** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Barnitz—1

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Vogel, **HCS** for **SB 1140** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Barnitz—1

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Barnitz—1

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Mayer moved that the Senate refuse to concur in **HA 1** and **HA 3** to **SB 1068** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon; and further that the conferees be allowed to exceed the differences for the sole purpose of excluding Department of Health and Senior Services program rebates from the fund, which motion prevailed.

Senator Dempsey moved that the Senate refuse to concur in **HCS** for **SB 1074**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HBs 1321** and **1695**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, Senator Shields submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 1832**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 2058**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-THIRD DAY—TUESDAY, MAY 6, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 2260

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)

SCS for SB 1170-Mayer

HOUSE BILLS ON THIRD READING

HCS for HBs 1595 & 1668 (Mayer)
(In Fiscal Oversight)

HCS for HB 1550 (Dempsey)
(In Fiscal Oversight)

HB 1923-Jones (117) and Pratt (Barnitz)
(In Fiscal Oversight)

HCS for HB 1516, with SCS (Goodman)
(In Fiscal Oversight)

HB 2191-Nasheed, et al, with SCS (Coleman)
(In Fiscal Oversight)

HCS for HB 2279, with SCS (Engler)
(In Fiscal Oversight)

HCS for HBs 1321 & 1695, with SCS (Gibbons)

HB 1832-Cooper (120), et al, with SCS

HCS for HB 2058, with SCS (Kennedy)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS
SB 713-Gibbons, with SCS
SB 716-Loudon, et al
SB 717-Kennedy and Shields
SB 729-Griesheimer, with SCS
SB 749-Ridgeway, with SCS
SB 756-Engler and Rupp, with SCS (pending)
SB 776-Justus and Koster, with SCS
SB 809-Stouffer, with SCS, SS for SCS &
SA 1 (pending)
SB 811-Stouffer, with SCS, SA 1 & point
of order (pending)

SB 815-Goodman
SB 821-Shoemyer, with SCS (pending)
SBs 840 & 857-Engler, with SCS & SS for
SCS (pending)
SB 861-Shoemyer, with SCS
SB 874-Graham, with SCS
SB 877-Mayer
SB 881-Green
SB 904-Griesheimer, with SCS
SBs 909, 954, 934 & 1003-Engler, with SCS
SB 915-Ridgeway

SB 917-Goodman, et al
 SB 929-Green and Callahan, with SCS
 SB 957-Goodman
 SBs 982, 834 & 819-Purgason, with SCS
 SB 990-Champion
 SBs 993 & 770-Crowell, with SCS, SS for
 SCS, SA 4 & SSA 1 for SA 4 (pending)
 SB 996-Crowell, with SCS
 SB 997-Crowell
 SB 1000-Justus
 SB 1007-Loudon, with SA 2 (pending)
 SBs 1021 & 870-Loudon, et al, with SCS,
 SS for SCS & SA 2 (pending)
 SB 1035-Scott, with SCS
 SB 1046-Mayer, with SA 1 & SSA 1 for
 SA 1 (pending)
 SB 1052-Rupp
 SB 1054-Dempsey, with SCS
 SB 1057-Scott, with SCS
 SB 1058-Mayer
 SB 1067-Ridgeway, et al

SB 1077-Goodman, with SS (pending)
 SB 1093-Loudon, et al
 SB 1094-Loudon, with SCS
 SB 1099-Graham, with SA 1 (pending)
 SB 1101-Bray, et al
 SB 1103-Gibbons
 SB 1138-McKenna, with SCS
 SB 1158-Mayer, with SCS
 SB 1164-Loudon
 SB 1180-Crowell
 SB 1183-Bray, with SCS
 SB 1194-Goodman
 SB 1197-Crowell
 SBs 1234 & 1270-Shields, with SCS & SS#2
 for SCS (pending)
 SB 1240-Dempsey
 SB 1244-Barnitz and Purgason
 SB 1275-Vogel
 SB 1278-Shields
 SJR 43-Loudon

HOUSE BILLS ON THIRD READING

HCS for HB 1341 (Nodler)
 HB 1358-Flook, et al (Ridgeway)
 HCS for HB 1393 (Ridgeway)
 HCS#2 for HB 1463, with SCS
 HCS for HB 1474, with SCS (Scott)
 HB 1532-Davis, with SCS (Rupp)
 HCS for HBs 1549, 1771, 1395 & 2366
 (Rupp)
 HB 1617-Cunningham (86), et al (Dempsey)
 HB 1656-Nance and Cooper (155), with SCS
 (Stouffer)
 HB 1661-LeVota, et al (Ridgeway)
 HB 1711-Weter, et al, with SCS & SS for
 SCS (pending) (Clemens)
 HCS for HB 1715, with SCS (Scott)
 HCS for HB 1722, with SCS (Mayer)

HCS for HB 1763 (Engler)
 HCS for HB 1790, HB 1805 & HCS for
 HB 1546, with SCS (Shields)
 HCS for HBs 1876 & 1877, with SCS (Mayer)
 HCS for HB 1904, with SCS (Goodman)
 HB 1937-Pearce, et al, with SCS (Scott)
 HB 1973-Franz, with SCS (Engler)
 HB 1983-Pratt, with SCS (Goodman)
 HCS for HB 2041, with SCS (Scott)
 HCS for HB 2068 (Scott)
 HB 2081-Dougherty, with SCS (Callahan)
 HCS for HB 2104, HB 1574, HB 1706, HCS
 for HB 1774, HB 2055 & HCS for HB
 2056, with SCS (Crowell)
 HB 2226-Muschany (Rupp)
 HCS for HJR 55 (Crowell)

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)	HB 2213-Kraus, et al (Shields)
HB 1670-Cooper (120) (Dempsey)	HB 1422-St. Onge, et al, with SCS
HB 1828-Sutherland (Vogel)	(Stouffer)
HCS for HB 1804, with SCS (Days)	HB 1354-Wilson (119), et al (Scott)
HB 2047-Curls, et al, with SCS (Callahan)	HCS for HB 1575 (Vogel)
HB 1410-Flook, et al (Ridgeway)	HB 1952-Loehner, et al (Barnitz)
HCS for HB 1888 (Clemens)	HB 1887-Parson (Scott)
HB 1368-Thomson (Lager)	HCS for HB 2360 (Lager)
HCS for HB 1807, with SCS (Mayer)	HB 1311-Hoskins, with SCS (Engler)
HB 1869-Wilson (130), et al (Goodman)	HB 1426-Kraus (Green)
HCS for HB 2048, with SCS (Engler)	

Reported 4/14

HB 1608-Ervin (Ridgeway)	HB 1419-Portwood (Loudon)
HB 2065-Wasson, with SCS (Scott)	HB 1791-Cooper (155), et al (Barnitz)
HB 1450-Roord, et al, with SCS (McKenna)	HB 1689-Wilson (130), with SCS (Scott)
HB 2233-Page, et al (Shields)	HCS for HB 1690, with SCS (Scott)

Reported 4/15

HCS for HB 1380 (Goodman)	HB 1469-Pratt (Goodman)
HCS for HB 2036 (Stouffer)	HB 1710-Flook (Ridgeway)
HB 1946-Franz, with SCS (Champion)	HCS for HB 1783 (Engler)
HB 1849-Pratt and Curls (Justus)	HB 1784-Meadows, et al (McKenna)
HB 1640-Schoeller, et al, with SCS	HB 1313-Wright, et al (Mayer)
(Goodman)	HCS for HB 1893 (Dempsey)
HB 1570-Franz, with SCS (Champion)	HB 1881-Schlottach (Kennedy)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 863-Rupp, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 841-Stouffer, with HCS, as amended
SS for SCS for SB 931-Purgason, with
HCS, as amended (Senate adopted CCR
and passed CCS)
SB 958-Goodman, with HCS
HCS for HB 2002, with SCS (Nodler)
HCS for HB 2003, with SCS (Nodler)
HB 2004, with SCS (Nodler)
HCS for HB 2005, with SCS (Nodler)

HCS for HB 2006, with SCS (Nodler)
HCS for HB 2007, with SCS (Nodler)
HCS for HB 2008, with SCS (Nodler)
HCS for HB 2009, with SCS (Nodler)
HCS for HB 2010, with SCS (Nodler)
HCS for HB 2011, with SCS (Nodler)
HCS for HB 2012, with SCS (Nodler)
HCS for HB 2013, with SCS (Nodler)

Requests to Recede or Grant Conference

SCS for SB 724-Scott, et al, with HCS,
as amended (Senate requests House
recede or grant conference)
SB 1068-Mayer, with HA 1 & HA 3 (Senate
requests House recede or grant
conference)

SB 1074-Dempsey, with HCS, as amended
(Senate requests House recede or
grant conference)

RESOLUTIONS

Reported from Committee

SCR 27-Champion
SCR 32-Purgason
SCR 33-Bray
SCR 35-Shoemyer, et al

HCR 7-Pearce, et al (Rupp)
HCR 23-Dixon, et al, with SCA 1 (Loudon)
HCR 30-Emery, et al, with SCS
(Griesheimer)

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Journal of the Senate

SECOND REGULAR SESSION

SIXTY-THIRD DAY—TUESDAY, MAY 6, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“That which you see and hear, you cannot help; but that which you say depends on you alone.” (Zohar)

Gracious God, we are thankful for our time here and the collegiality and winsomeness that this session has offered us. We are mindful of our words and what is said and their effect on others so help us to remain engaging and helpful to one another so our efforts continue to produce what is needed and necessary. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Dempsey assumed the Chair.

RESOLUTIONS

Senators Rupp and Dempsey offered Senate Resolution No. 2607, regarding Culver's of St. Charles, which was adopted.

Senators Rupp and Dempsey offered Senate Resolution No. 2608, regarding Environmental Systems Research Institute, Inc., St. Charles, which was adopted.

Senators Rupp and Dempsey offered Senate Resolution No. 2609, regarding SYSCO, St. Charles, which was adopted.

Senator Koster offered Senate Resolution No. 2610, regarding Ballard High School, which was adopted.

Senator Bray offered Senate Resolution No. 2611, regarding Daryl Sappington, Brentwood, which was adopted.

Senator Stouffer offered Senate Resolution No. 2612, regarding Roy "Skip" Vandelicht, Fayette, which was adopted.

Senator Stouffer offered Senate Resolution No. 2613, regarding Ann Schafer, Fayette, which was adopted.

Senator Stouffer offered Senate Resolution No. 2614, regarding Krista Merrifield Salyer, Blackwater, which was adopted.

Senator Stouffer offered Senate Resolution No. 2615, regarding Susan Todd, Malta Bend, which was adopted.

Senator Stouffer offered Senate Resolution No. 2616, regarding Deborah Kay Bollmeyer, which was adopted.

Senator Crowell offered Senate Resolution No. 2617, regarding Kody Campbell, Oran, which was adopted.

Senator Crowell offered Senate Resolution No. 2618, regarding Jodi Urhahn, Oran, which was adopted.

Senator Stouffer offered Senate Resolution No. 2619, regarding Kelly Brandt, Concordia, which was adopted.

Senator Stouffer offered Senate Resolution No. 2620, regarding Whitney Wallace, Clinton, which was adopted.

Senator Crowell offered Senate Resolution No. 2621, regarding Michelle Essner, Oran, which was adopted.

Senator Clemens offered Senate Resolution No. 2622, regarding Robert Allan Barns, Ozark, which was adopted.

Senator Vogel offered Senate Resolution No. 2623, regarding Marsha Buckner, Jefferson City, which was adopted.

Senator Rupp offered Senate Resolution No. 2624, regarding Derrick Blake McKee, Jr., Wentzville, which was adopted.

Senator Rupp offered Senate Resolution No. 2625, regarding Asia S. McGee, Wentzville, which was adopted.

Senator Rupp offered Senate Resolution No. 2626, regarding Michelle Landers, Weldon Spring, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 1779**, as amended, and has taken up and passed **SS** for **SCS** for **HCS** for **HB 1779**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 724**, as amended and grants the Senate a conference thereon; and further that the conferees be allowed to exceed the differences by exempting collaborative practice arrangements within certain population-based public health services, as described in 20 CSR 2150-5.100, from the limitations contained in section 334.104, RSMo.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2002** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2002**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2003** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2003**.

THIRD READING OF SENATE BILLS

SCS for **SB 1170**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1170

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the rebuild Missouri schools program, with an emergency clause.

Was taken up by Senator Mayer.

On motion of Senator Mayer, **SCS** for **SB 1170** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy	Lager

Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senator Bartle—1

Absent—Senators

Green Koster—2

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy	Lager
Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senator Bartle—1

Absent—Senators

Green Koster—2

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HCS for HB 2260—Ways and Means.

REFERRALS

President Pro Tem Gibbons referred **HCS for HB 2058**, with **SCS**, and **HCS for HBs 1321 and 1695**, with **SCS** to the Committee on Governmental Accountability and Fiscal Oversight.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS for SCS for SB 724**, as amended: Senators Scott, Champion, Purgason, Green and

Kennedy.

CONFERENCE COMMITTEE REPORTS

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2002** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2002

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2002, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2002.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2002.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2002, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Gary Nodler
/s/ Robert N. Mayer
/s/ Joan Bray
/s/ Timothy P. Green
/s/ Scott Rupp

FOR THE HOUSE:

/s/ Allen Icet
/s/ Ed Robb
/s/ Rick Stream
Rachel Bringer
Sara Lampe

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

Senator Shields announced that photographers from KSHB were given permission to take pictures in

the Senate Chamber today.

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 2002**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2002

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2003** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2003

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2003, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee

Substitute for House Bill No. 2003.

2. That the House recede from its position on House Committee Substitute for House Bill No. 2003.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2003, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Gary Nodler

/s/ Robert N. Mayer

/s/ Joan Bray

/s/ Timothy P. Green

/s/ Scott Rupp

FOR THE HOUSE:

/a/ Allen Icet

/s/ Ed Robb

/s/ Rick Stream

Rachel Bringer

Sara Lampe

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 2003**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2003

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Shoemyer moved that **SCR 35** be taken up for adoption, which motion prevailed.

On motion of Senator Shoemyer, **SCR 35** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman	Green	Griesheimer	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Scott
Shields	Shoemyer	Stouffer	Vogel—28				

NAYS—Senators

Dempsey	Graham	Rupp	Smith	Wilson—5
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Absent—Senator Justus—1

Absent with leave—Senators—None

Vacancies—None

Senator Griesheimer moved that **HCR 30**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **HCR 30** was taken up.

Senator Griesheimer moved that **SCS** for **HCR 30** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **HCR 30**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 30

WHEREAS, competition in the voice communications industry is developing rapidly and is widespread in the State of Missouri; and

WHEREAS, Missouri law governing the telecommunications industry must evolve to meet the needs of Missouri consumers; and

WHEREAS, consumer choice in voice communications is available through the traditional wireline, wireless, cable, and interconnected voice over Internet protocol industries; and

WHEREAS, the methodology by which carriers are compensated for the use of their network is, by its nature, complex, detailed, and inter-related to numerous other economic forces; and

WHEREAS, the need to make equitable changes in the inter-carrier compensation regime will require a comprehensive, holistic, and deliberate approach to reform; and

WHEREAS, due to the complex nature of inter-carrier compensation, comprehensive study and discussion is required; and

WHEREAS, pricing of voice telecommunications services is important to promote competition for the long-term benefit of consumers; and

WHEREAS, a forum for review and discussion between these very competitive industries will aid in addressing the concerns of both the industry and consumers:

NOW THEREFORE BE IT RESOLVED by the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, that to ensure that thoughtful and necessary changes to the regulation of voice communications in Missouri and the need to protect Missouri consumers and provide them with more communications choices, the General Assembly must endeavor to comprehensively study further the matters detailed herein; and

BE IT FURTHER RESOLVED that the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, hereby establish a Joint Interim Committee on Voice Communications Regulation to be composed of ten members, five of which shall be from the House of Representatives with three appointed by the Speaker of the House and two appointed by the Minority Floor Leader of the House, and five members shall be from the Senate with three appointed by the President Pro Tem of the Senate and two appointed by the Minority Floor Leader of the Senate; and

BE IT FURTHER RESOLVED that the Joint Interim Committee is authorized to function during the legislative interim between the Second Regular Session of the Ninety-fourth General Assembly through January 15, 2009, of the First Regular Session of the Ninety-fifth General Assembly to study the following:

(1) The need to make changes to the inter-carrier compensation system wherein voice communications providers exchange traffic on other provider's networks; and

(2) The issue of whether market-based pricing exists in the voice telecommunications industry, and any recommended action to be taken by the General Assembly, if any; and

(3) Such other matters as the Joint Interim Committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding these issues; and

BE IT FURTHER RESOLVED that the Joint Interim Committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary for submission to the General Assembly by January 15, 2009; and

BE IT FURTHER RESOLVED that the Joint Interim Committee may solicit input and information necessary to fulfill its obligations, including but not limited to soliciting input and information from any state department or agency the Joint Interim Committee deems relevant, consumer advocates, political subdivisions of this State, and the general public; and

BE IT FURTHER RESOLVED that the staffs of House Research, the Joint Committee on Legislative Research, and Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Interim Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Joint Interim Committee, its members, and any staff assigned to the Joint Interim Committee incurred by the Joint Interim Committee shall be paid by the Joint Contingent Fund.

Senator Griesheimer moved that **SS** for **SCS** for **HCR 30** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Griesheimer moved that **HCR 30**, as amended by the Senate Substitute, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 2004** and has taken up and passed **CCS** for **SCS** for **HB 2004**.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Engler.

Photographers from the Columbia Missourian were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 2627, regarding Franklin Elementary School, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2628, regarding Phillip Daniel Henderson, Washington, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2629, regarding Jean Hines, Sullivan, which was adopted.

Senator Mayer offered Senate Resolution No. 2630, regarding Jessica Polk, Piedmont, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2005** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2005** as amended by House Perfecting Amendment 1.

HOUSE PERFECTING AMENDMENT NO. 1

Amend Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill 2005, Section 5.490, Page 16, Line 3 by deleting the numeral “25” and inserting in lieu thereof the numeral “35”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 944**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 2279**, with **SCS**; **HCS** for **HB 1550**; **HB 1923**; and **HCS** for **HB 1516**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

CONFERENCE COMMITTEE REPORTS

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 2004** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2004

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 2004, begs leave

to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 2004.
2. That the House recede from its position on House Bill No. 2004.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 2004, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Gary Nodler

/s/ Robert N. Mayer

/s/ Joan Bray

/s/ Timothy P. Green

/s/ Scott Rupp

FOR THE HOUSE:

/s/ Allen Icet

/s/ Ed Robb

/s/ Rick Stream

/s/ Rachel Storch

/s/ Sam Komo

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senators

Bartle Purgason—2

Absent—Senators

Days Justus—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HB 2004**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2004

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
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Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators

Bartle Purgason—2

Absent—Senator Justus—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2005** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2005

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2005, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2005.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2005.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2005, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Gary Nodler

/s/ Robert N. Mayer

/s/ Joan Bray

/s/ Scott Rupp

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Allen Icet

/s/ Ed Robb

/s/ Rick Stream

/s/ Rachel Storch

/s/ Sam Komo

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators

Bartle	Purgason—2
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 2005**, as amended by **HPA 1**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2005

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators

Bartle	Purgason—2
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2006** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2006**.

CONFERENCE COMMITTEE REPORTS

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2006** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2006

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2006, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2006.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2006.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2006, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Gary Nodler
/s/ Robert N. Mayer
/s/ Joan Bray
/s/ Timothy P. Green
/s/ Scott Rupp

FOR THE HOUSE:

/s/ Allen Icet
/s/ Ed Robb
/s/ Rick Stream
/s/ Belinda Harris
/s/ Tom Shively

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Champion	Clemens	Coleman	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators

Bartle Callahan—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 2006**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2006**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2008 and ending June 30, 2009.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Champion	Clemens	Coleman	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators

Bartle Callahan—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House

refuses to adopt **SCS** for **HCS** for **HB 2023** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Nodler moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 2023**, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2023**: Senators Nodler, Mayer, Rupp, Bray and Green.

HOUSE BILLS ON THIRD READING

Senator Clemens moved that **HB 1711**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HB 1711**, as amended, was again taken up.

At the request of Senator Clemens, **SS** for **SCS** for **HB 1711**, as amended, was withdrawn.

Senator Clemens offered **SS No. 2** for **SCS** for **HB 1711**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1711

An Act to repeal sections 44.090, 48.030, 49.310, 72.080, 82.516, 86.200, 86.287, 88.917, 94.900, 94.902, 96.160, 99.820, 137.092, 144.030, 155.010, 182.707, 190.094, 190.107, 190.335, 231.444, 247.031, 321.015, 321.200, 478.466, 546.902, and 701.355, RSMo, and section 89.120, as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 89.120, as enacted by senate committee substitute for house bill no. 1352, eighty-ninth general assembly, second regular session, and section 99.825 as enacted by senate committee substitute for house committee substitute for house bill no. 741, ninety-fourth general assembly, first regular session, and section 99.825 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, and to enact in lieu thereof thirty-eight new sections relating to political subdivisions, with penalty provisions, and an emergency clause for a certain section.

Senator Clemens moved that **SS No. 2** for **SCS** for **HB 1711** be adopted.

Senator Rupp assumed the Chair.

Senator Dempsey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1711, Page 105, Section 247.031, Line 2 of said page, by inserting immediately after said line the following:

“311.332. 1. [Except as provided in subsections 2 and 3 of this section,] It shall be unlawful for any wholesaler licensed to sell intoxicating liquor and wine containing alcohol in excess of five percent by

weight to persons duly licensed to sell such intoxicating liquor and wine at retail, to discriminate between retailers or in favor of or against any retailer or group of retailers, directly or indirectly, in price, in discounts for time of payment, or in discounts on quantity of merchandise sold, or to grant directly or indirectly any discount, rebate, free goods, allowance or other inducement, excepting a discount not in excess of one percent for quantity of liquor and wine, and a discount not in excess of one percent for payment on or before a certain date. The delivery of manufacturer rebate coupons by wholesalers to retailers shall not be a violation of this subsection.

2. [Except as provided in subsection 3 of this section, any wholesaler licensed to sell intoxicating liquor and wine containing alcohol in excess of five percent by weight to persons duly licensed to sell such intoxicating liquor and wine at retail may offer a price reduction of not more than four percent of the wholesaler's price schedule for any brand, age, proof, and size bottle or package. Such price reduction shall apply for a thirty-day period, shall not be offered by any wholesaler more than three times in any calendar year, and shall not be offered during successive months.

3. Any wholesaler licensed to sell intoxicating liquor and wine containing alcohol in excess of five percent by weight to persons duly licensed to sell such intoxicating liquor and wine at retail may offer a price reduction of more than four percent of the scheduled price on close-out merchandise. "Close-out merchandise" is any item which has been in the wholesaler's inventory for more than six months. The price of close-out merchandise may be decreased, but shall not be increased, monthly for up to and including twelve consecutive months. A wholesaler shall not purchase any item of intoxicating liquor or wine of the same year and vintage the wholesaler has classified as close-out merchandise during the period of such classification. A wholesaler shall not purchase, sell, or offer to sell any item of intoxicating liquor or wine of the same year and vintage the wholesaler has classified as close-out merchandise until twenty-four months have elapsed since the wholesaler's last offer to sell the item as close-out merchandise.

4.] If any provision of this section or the application thereof to anyone or to any circumstance is held invalid, the remainder of the section and the application of such provisions to others or other circumstances shall not be affected thereby.

3. Manufacturers or wholesalers shall be permitted to donate or deliver or cause to be delivered beer, wine, brandy, or nonintoxicating beer for nonresale purposes to any unlicensed person or any licensed retail dealer who is a charitable or religious organization as defined in section 313.005, RSMo, or educational institution, at any location or licensed premises, provided, such beer, wine, brandy, or nonintoxicating beer is unrelated to the organization's or institution's licensed retail operation. A charge for admission to an event or activity at which beer, wine, brandy, or nonintoxicating beer is available without separate charge shall not constitute resale for the purposes of this subsection. Wine used in religious ceremonies may be sold by wholesalers to a religious organization as defined in section 313.005, RSMo. Any manufacturer or wholesaler providing nonresale items shall keep a record of any deliveries made pursuant to this subsection.

[5.] 4. Manufacturers, wholesalers, retailers and unlicensed persons may donate wine in the original package to a charitable or religious organization as defined in section 313.005, RSMo, or educational institution for the sole purpose of being auctioned by the organization or institution for fund-raising purposes, provided the auction takes place on a retail-licensed premises and all proceeds from the sale go into a fund of an organization or institution that is unrelated to any licensed retail operation.

311.333. Any wholesaler licensed [under this chapter to sell intoxicating liquors and wines may accept the return of any intoxicating liquor containing alcohol in excess of five percent by weight and wines as

provided by rules and regulations promulgated by the supervisor of liquor control, pursuant to chapter 536, RSMo] **to sell intoxicating liquor or wine containing alcohol in excess of five percent by weight to persons duly licensed to sell such intoxicating liquor and wine at retail shall make available to all such retailers, on the fifteenth day of each month or on the next business day thereafter, information regarding all products which shall be available for sale in the next month. Such information shall include the exact brand or trade name, capacity of individual packages, nature of contents, age and proof, the per bottle and per case price which shall be offered to all retailers, the number of bottles contained in each case, and the size thereof. The price provided to retailers under this provision shall become effective on the first date of the next month and remain in effect until the last day of that month.**

311.335. 1. Any wholesaler licensed to sell intoxicating liquor and wine containing alcohol in excess of five percent by weight [pursuant to chapter 311] shall ship and deliver **such** intoxicating liquor and wine to a retailer [in the amount for which the scheduled price set forth on the invoice is in effect] **at a price which is currently in effect for that calendar month and provided to the retailer under section 311.333.**

2. Such wholesaler licensed to sell intoxicating liquor and wine containing alcohol in excess of five percent by weight shall not take an order for delivery in a month subsequent to the month in which the order is taken, provided that on [and after the date on which amended price schedules are filed with the supervisor of liquor control] **the last date of each month**, orders may be taken for delivery in the following month at the price in effect for that following month and provided, further, that for any order received within the last three business days of a month, the wholesaler may, with the consent of the retailer placing such order [or upon the request of the retailer placing such order], deliver such order to the retailer within the first three business days of the month following the month in which the order was received by such wholesaler at the price in effect for the month in which the order was placed. Such order received within the last three business days of a month and delivered within the first three business days of the subsequent month shall be known as a “delayed shipment”. A delayed shipment shall be deemed delivered on the last business day of the month in which the order was received for purposes of implementing and enforcing rules and regulations of the supervisor of [liquor] **alcohol and tobacco** control relating to invoicing, discounts and ordinary commercial credit terms.

3. Any wholesaler licensed to sell intoxicating liquor or wine containing alcohol in excess of five percent by weight [violating any provision of this section shall be subject to, and punished pursuant to, the penalties and provisions of section 311.680] **to persons duly licensed to sell such intoxicating liquor and wine at retail may offer a price reduction of more than four percent of the price provided to retailers under section 311.333 on close-out merchandise. As used in this section, the term “close-out merchandise” shall mean any item which has been in the wholesaler's inventory for more than six months. The price of the close-out merchandise may be decreased, but shall not be increased, monthly for up to and including twelve consecutive months. A wholesaler shall not purchase any item of intoxicating liquor or wine of the same year and vintage the wholesaler has classified as close-out merchandise during the period of such classification. A wholesaler shall not purchase, sell, or offer to sell any item of intoxicating liquor or wine of the same year and vintage the wholesaler has classified as close-out merchandise until twenty-four months have elapsed since the wholesaler's last offer to sell the item as close-out merchandise.**

311.338. Any person violating any provisions of sections 311.332 [to 311.336], **311.333, and 311.335**

shall be deemed guilty of a misdemeanor, and it shall be the duty of the supervisor of liquor control to suspend or revoke the license of any wholesaler violating any of the provisions of sections 311.332 [to 311.336], **311.333, and 311.335**.

311.490. No person, partnership or corporation engaged in the brewing, manufacture or sale of beer as defined, in this chapter, or other intoxicating malt liquor, shall use in the manufacture or brewing thereof, or shall sell any such beer or other intoxicating malt liquor which contains ingredients not in compliance with the following standards:

(1) Beer shall be brewed from malt or a malt substitute, which only includes rice, grain of any kind, bean, glucose, sugar, and molasses. Honey, fruit, fruit juices, fruit concentrate, herbs, spices, and other food materials may be used as adjuncts in fermenting beer;

(2) Flavor and other nonbeverage ingredients containing alcohol may be used in producing beer, but may contribute to no more than forty-nine percent of the overall alcohol content of the finished beer. In the case of beer with an alcohol content of more than six percent by volume, no more than one and one-half percent of the volume of the beer may consist of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol; and

(3) Beer, intoxicating malt liquor, and malt beverages, as defined in this section, shall not be subject to the requirements of [subsections] **subsection 1**[, 2, and 3] of section 311.332 and sections [311.334 to] **311.335 and 311.338.**”; and

Further amend said bill, page 111, section 701.355, line 8 of said page, by inserting immediately after said line the following:

“[311.334. No intoxicating liquor and wine of any kind shall be sold by a wholesaler to a retailer duly licensed to sell intoxicating liquor and wine at retail, or purchased by a wholesaler for a retailer or by a retailer through a wholesaler, unless a schedule as provided by this section shall be filed by the wholesaler with the supervisor of liquor control and is then in effect. The schedule shall be in writing, duly verified and filed in the number of copies and in such form as required by the supervisor, and shall contain with respect to each item thereon the exact brand or trade name, capacity of package, nature of contents, age and proof, the per bottle and per case price to retailers, the number of bottles contained in each case, and the size thereof, which prices shall be individual for each item, and not in “combination” with any other item or items, the discounts for quantity, if any, and the discounts for time of payment, if any.]

[311.336. Each such schedule shall be filed on or before the tenth day of each month, and the prices and discounts therein set forth shall become effective on the first day of the calendar month following the filing thereof, and shall be in effect for and during such calendar month. Within ten days after the filing of such schedule the supervisor shall make all of such schedules or a composite thereof available for inspection by all wholesale licensees. Within three days, excluding Sundays, after such inspection is provided for, a wholesaler may amend his filed schedule for sales to a retailer, or purchase for a retailer or by a retailer through a wholesaler in order to meet lower competing prices and discounts for liquor or wine of the same brand and trade name and of like age and quality, filed pursuant to this section or section 311.334 by any licensee selling such brand; provided, however, such amended prices may not be lower and discounts not greater than those to be met. Any amended schedule so filed shall become effective on the first day of the calendar month following the filing thereof, and shall be in effect for and during such

calendar month. No brand of liquor or wine shall be sold or purchased for a retailer by a wholesaler or by a retailer through a wholesaler except at the price or prices then in effect according to the wholesaler's filed schedule, and no discount shall be granted except as set forth in the schedule then in effect. All schedules filed shall be subject to public inspection from the time that they are required to be made available for inspection by licensees and shall not be in any manner considered confidential. Each wholesaler shall retain in his licensed premises for inspection by licensees a copy of his filed schedules then in effect. The supervisor of liquor control may make such rules and regulations as shall be appropriate to carry out the purpose of this section and sections 311.332 and 311.334.]"; and

Further amend the title and enacting clause accordingly.

Senator Dempsey moved that the above amendment be adopted.

Senator Clemens raised the point of order that **SA 1** is out of order as it goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Shoemyer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1711, Page 69, Section 137.1040, Line 27 of said page, by inserting immediately after said line the following:

"140.150. 1. All lands, lots, mineral rights, and royalty interests on which taxes or neighborhood improvement district special assessments are delinquent and unpaid are subject to sale to discharge the lien for the delinquent and unpaid taxes or unpaid special assessments as provided for in this chapter on the fourth Monday in August of each year.

2. No real property, lots, mineral rights, or royalty interests shall be sold for state, county or city taxes or special assessments without judicial proceedings, unless the notice of sale contains the names of all record owners thereof, or the names of all owners appearing on the land tax book and all other information required by law. Delinquent taxes or unpaid special assessments, penalty, interest and costs due thereon may be paid to the county collector at any time before the property is sold therefor. **The collector is required to send notices to the publicly recorded owner of record before any delinquent and unpaid taxes or unpaid special assessments as specified in this section subject to sale are published. The first notice is to be by first class mail and the second notice is to be sent by certified mail. If the certified mailing is returned to the collector unsigned, then notice, before the sale, is to be sent by first class mail at least fifteen days prior to the fourth Monday in August. The postage for the mailing of the notices shall be furnished by the county commission. The failure of the taxpayer or the publicly recorded owner to receive the notice provided for in this section in no case relieves such taxpayer or publicly recorded owner of any tax liability imposed by law.**

3. The entry in the back tax book by the county clerk of the delinquent lands, lots, mineral rights, and royalty interests constitutes a levy upon the delinquent lands, lots, mineral rights, and royalty interests for the purpose of enforcing the lien of delinquent and unpaid taxes or unpaid special assessments as provided in section 67.469, RSMo, together with penalty, interest and costs.

140.230. 1. When real estate has been sold for taxes or other debt by the sheriff or collector of any

county within the state of Missouri, and the same sells for a greater amount than the debt or taxes and all costs in the case it shall be the duty of the sheriff or collector of the county, when such sale has been or may hereafter be made, to make a written statement describing each parcel or tract of land sold by him for a greater amount than the debt or taxes and all costs in the case together with the amount of surplus money in each case. The statement shall be subscribed and sworn to by the sheriff or collector making it before some officer competent to administer oaths within this state, and then presented to the county commission of the county where the sale has been or may be made; and on the approval of the statement by the commission, the sheriff or collector making the same shall pay the surplus money into the county treasury, take the receipt in duplicate of the treasurer for the overplus of money and retain one of the duplicate receipts himself and file the other with the county commission, and thereupon the commission shall charge the treasurer with the amount.

2. The treasurer shall place such moneys **in the county treasury to be held for the use and benefit of the person entitled to such moneys or** to the credit of the school fund of the county, to be held in trust for the term of three years for the owner or owners or their legal representatives. At the end of three years, if such fund shall not be called for, then it shall become a permanent school fund of the county.

3. County commissions shall compel owners or agents to make satisfactory proof of their claims before receiving their money; provided, that no county shall pay interest to the claimant of any such fund.

140.250. 1. Whenever any lands have been or shall hereafter be offered for sale for delinquent taxes, interest, penalty and costs by the collector of the proper county for any two successive years and no person shall have bid therefor a sum equal to the delinquent taxes thereon, interest, penalty and costs provided by law, then such county collector shall at the next regular tax sale of lands for delinquent taxes sell same to the highest bidder, and there shall be a ninety-day period of redemption from such sales as specified in section 140.405.

2. No certificate of purchase shall issue as to such sales, but the purchaser at such sales shall be entitled to the issuance and delivery of a collector's deed upon completion of title search action as specified in section 140.405.

3. If any lands or lots are not sold at such third offering, then the collector, in his discretion, need not again advertise or offer such lands or lots for sale more often than once every five years after the third offering of such lands or lots, and such offering shall toll the operation of any applicable statute of limitations.

4. A purchaser at any sale subsequent to the third offering of any land or lots, **whether by the collector or a trustee as provided in section 140.260**, shall be entitled to the immediate issuance and delivery of a collector's deed and there shall be no period of redemption from such sales **after the third offering**; provided, however, before any purchaser at a sale to which this section is applicable shall be entitled to a collector's deed it shall be the duty of the collector to demand, and the purchaser to pay, in addition to his bid, all taxes due and unpaid on such lands or lots that become due and payable on such lands or lots subsequent to the date of the taxes included in such advertisement and sale. **The collector's deed or trustee's deed shall have priority over all other liens or encumbrances on the property sold except for real property taxes or federal liens.**

5. In the event the real purchaser at any sale to which this section is applicable shall be the owner of the lands or lots purchased, or shall be obligated to pay the taxes for the nonpayment of which such lands or lots were sold, then no collector's deed shall issue to such purchaser, or to anyone acting for or on behalf

of such purchaser, without payment to the collector of such additional amount as will discharge in full all delinquent taxes, penalty, interest and costs.

140.260. 1. It shall be lawful for the county commission of any county, and the comptroller, mayor and president of the board of assessors of the city of St. Louis, to designate and appoint a suitable person or persons with discretionary authority to bid at all sales to which section 140.250 is applicable, and to purchase at such sales all lands or lots necessary to protect all taxes due and owing and prevent their loss to the taxing authorities involved from inadequate bids.

2. Such person or persons so designated are hereby declared as to such purchases and as titleholders pursuant to collector's deeds issued on such purchases, to be trustees for the benefit of all funds entitled to participate in the taxes against all such lands or lots so sold.

3. Such person or persons so designated shall not be required to pay the amount bid on any such purchase but the collector's deed issuing on such purchase shall recite the delinquent taxes for which said lands or lots were sold, the amount due each respective taxing authority involved, and that the grantee in such deed or deeds holds title as trustee for the use and benefit of the fund or funds entitled to the payment of the taxes for which said lands or lots were sold.

4. The costs of all collectors' deeds, the recording of same and the advertisement of such lands or lots shall be paid out of the county treasury in the respective counties and such fund as may be designated therefor by the authorities of the city of St. Louis.

5. All lands or lots so purchased shall be sold and deeds ordered executed and delivered by such trustees upon order of the county commission of the respective counties and the comptroller, mayor and president of the board of assessors of the city of St. Louis, and the proceeds of such sales shall be applied, first, to the payment of the costs incurred and advanced, and the balance shall be distributed pro rata to the funds entitled to receive the taxes on the lands or lots so disposed of, **and then any excess proceeds shall be distributed to the county treasurer to be held for the use and benefit of the person or persons entitled to such proceeds.**

6. Upon appointment of any such person or persons to act as trustee as herein designated a certified copy of the order making such appointment shall be delivered to the collector, and if such authority be revoked a certified copy of the revoking order shall also be delivered to the collector.

7. Compensation to trustees as herein designated shall be payable solely from proceeds derived from the sale of lands purchased by them as such trustees and shall be fixed by the authorities herein designated, but not in excess of ten percent of the price for which any such lands and lots are sold by the trustees; provided further, that if at any such sale any person bid a sufficient amount to pay in full all delinquent taxes, penalties, interest and costs, then the trustees herein designated shall be without authority to further bid on any such land or lots. **If a third party is a successful bidder and there are excess proceeds, such proceeds shall be distributed as provided in subsection 5 of this section.**

8. If the county commission of any county does not designate and appoint a suitable person or persons as trustee or trustees, so appointed, or the trustee or trustees do not accept property after the third offering where no sale occurred then it shall be at the discretion of the collector to sell such land subsequent to the third offering of such land and lots at any time and for any amount.

140.290. 1. After payment shall have been made the county collector shall give the purchaser a certificate in writing, to be designated as a certificate of purchase, which shall carry a numerical number

and which shall describe the land so purchased, each tract or lot separately stated, the total amount of the tax, with penalty, interest and costs, and the year or years of delinquency for which said lands or lots were sold, separately stated, and the aggregate of all such taxes, penalty, interest and costs, and the sum bid on each tract.

2. If the purchaser bid for any tract or lot of land a sum in excess of the delinquent tax, penalty, interest and costs for which said tract or lot of land was sold, such excess sum shall also be noted in the certificate of purchase, in a separate column to be provided therefor. Such certificate of purchase shall also recite the name and address of the owner or reputed owner if known, and if unknown then the party or parties to whom each tract or lot of land was assessed, together with the address of such party, if known, and shall also have incorporated therein the name and address of the purchaser. Such certificate of purchase shall also contain the true date of the sale and the time when the purchaser will be entitled to a deed for said land, if not redeemed as in this chapter provided, and the rate of interest that such certificate of purchase shall bear, which rate of interest shall not exceed the sum of ten percent per annum. Such certificate shall be authenticated by the county collector, who shall record the same in a permanent record book in his office before delivery to the purchaser.

3. Such certificate shall be assignable, but no assignment thereof shall be valid unless endorsed on such certificate and acknowledged before some officer authorized to take acknowledgment of deeds and an entry of such assignment entered in the record of said certificate of purchase in the office of the county collector.

4. For each certificate of purchase issued, including the recording of the same, the county collector shall be entitled to receive and retain a fee of fifty cents, to be paid by the purchaser and treated as a part of the cost of the sale, and so noted on the certificate. For noting any assignment of any certificate the county collector shall be entitled to a fee of twenty-five cents, to be paid by the person requesting such recital of assignment, and which shall not be treated as a part of the cost of the sale.

5. No collector shall be authorized to issue a certificate of purchase to any nonresident of the state of Missouri or to enter a recital of any assignment of such certificate upon his record to a nonresident of the state, until such purchaser or assignee of such purchaser, as the case may be, shall have complied with the provisions of section 140.190 pertaining to nonresident purchasers.

6. This section shall not apply to any post-third year tax sale.

140.310. 1. The purchaser of any tract or lot of land at sale for delinquent taxes, homesteads excepted, shall at any time after one year from the date of sale be entitled to the immediate possession of the premises so purchased during the redemption period provided for in this law, unless sooner redeemed; provided, however, any owner or occupant of any tract or lot of land purchased may retain possession of said premises by making a written assignment of, or agreement to pay, rent certain or estimated to accrue during such redemption period or so much thereof as shall be sufficient to discharge the bid of the purchaser with interest thereon as provided in the certificate of purchase.

2. The purchaser, his heirs or assigns, may enforce his rights under said written assignment or agreement in any manner now authorized or hereafter authorized by law for the collection of delinquent and unpaid rent; provided further, nothing herein contained shall operate to the prejudice of any owner not in default and whose interest in the tract or lot of land is not encumbered by the certificate of purchase, nor shall it prejudice the rights of any occupant of any tract or lot of land not liable to pay taxes thereon nor such occupant's interest in any planted, growing or unharvested crop thereon.

3. Any additions or improvements made to any tract or lot of land by any occupant thereof, as tenant

or otherwise, and made prior to such tax sale, which such occupant would be permitted to detach and remove from the land under his contract of occupancy shall also, to the same extent, be removable against the purchaser, his heirs or assigns.

4. Any rent collected by the purchaser, his heirs or assigns, shall operate as a payment upon the amount due the holder of such certificate of purchase, and such amount or amounts, together with the date paid and by whom shall be endorsed as a credit upon said certificate, and which said sums shall be taken into consideration in the redemption of such land, as provided for in this chapter.

5. Any purchaser, heirs or assigns, in possession within the period of redemption against whom rights of redemption are exercised shall be protected in the value of any planted, growing and/or unharvested crop on the lands redeemed in the same manner as such purchaser, heirs or assigns would be protected in valuable and lasting improvements made upon said lands after the period of redemption and referred to in section 140.360.

6. The one-year redemption period shall not apply to third year tax sales, but the ninety-day redemption period as provided in section 140.405 shall apply to such sales. There shall be no redemption period for a post-third year tax sale.

140.340. 1. The owner or occupant of any land or lot sold for taxes, or any other persons having an interest therein, may redeem the same at any time during the one year next ensuing, in the following manner: by paying to the county collector, for the use of the purchaser, his heirs or assigns, the full sum of the purchase money named in his certificate of purchase and all the cost of the sale, **including the cost of the title search and mailing of notification required in sections 140.250 to 140.405**, together with interest at the rate specified in such certificate, not to exceed ten percent annually, except on a sum paid by a purchaser in excess of the delinquent taxes due plus costs of the sale, no interest shall be owing on the excess amount, with all subsequent taxes which have been paid thereon by the purchaser, his heirs or assigns, with interest at the rate of eight percent per annum on such taxes subsequently paid, and in addition thereto the person redeeming any land shall pay the costs incident to entry of recital of such redemption.

2. Upon deposit with the county collector of the amount necessary to redeem as herein provided, it shall be the duty of the county collector to mail to the purchaser, his heirs or assigns, at the last post office address if known, and if not known, then to the address of the purchaser as shown in the record of the certificate of purchase, notice of such deposit for redemption.

3. Such notice, given as herein provided, shall stop payment to the purchaser, his heirs or assigns, of any further interest or penalty.

4. In case the party purchasing said land, his heirs or assigns, fails to take a tax deed for the land so purchased within six months after the expiration of the one year next following the date of sale, no interest shall be charged or collected from the redemptioner after that time.

140.405. Any person purchasing property at a delinquent land tax auction shall not acquire the deed to the real estate, as provided for in section 140.420, until the [person] **purchaser** meets [with the following requirement or until such person makes affidavit that a title search has revealed no publicly recorded deed of trust, mortgage, lease, lien or claim on the real estate] **the requirements of this section**. [At least] **The purchaser shall obtain a title search from a licensed attorney, abstract or title company** ninety days prior to the date when a purchaser is authorized to acquire the deed, **however, such deed shall not be acquired prior to the expiration date of the redemption period as provided in section 140.340**. The

purchaser shall notify any person who holds a publicly recorded deed of trust, mortgage, lease, lien or claim upon that real estate of the latter person's right to redeem such person's publicly recorded security or claim. Notice shall be sent by certified mail to any such person, including one who was the publicly recorded owner of the property sold at the delinquent land tax auction previous to such sale, at such person's last known available address, **except that no ninety-day notice is required for post-third year tax sales as provided in subsection 4 of section 140.250. The ninety-day period as permitted by law shall begin on the date immediately at such time a purchaser provides the collector an original affidavit specifying the required title search is complete, a copy of the title search, the notices sent by certified mail, and the mail certifications and receipts.** Failure of the purchaser to comply with this provision shall result in such purchaser's loss of all interest in the real estate. **Provided further, any such publicly recorded owner of the property sold at the delinquent land tax auction desiring to transact or transfer ownership of property during the ninety-day period, shall first redeem such property pursuant to the provisions in section 140.340, prior to executing any such transactions or transfers of ownership of property. Failure of the publicly recorded owner of the property to comply with this provision, prior to transacting or transferring ownership of such property, shall result in such publicly recorded owner's loss of all interest in the real estate or the publicly recorded owner shall reimburse the purchaser for all the cost of the sale, including the cost of the title search and mailing of notification required in sections 140.250 to 140.405, together with interest at the rate specified in the certificate of purchase, not to exceed ten percent annually, and make further reimbursement for any taxes that the purchaser may have paid plus eight percent interest on such taxes.** If any real estate is purchased at a third-offering tax auction and has a publicly recorded deed of trust, mortgage, lease, lien or claim upon the real estate, the purchaser of said property at a third-offering tax auction shall notify anyone with a publicly recorded deed of trust, mortgage, lease, lien or claim upon the real estate pursuant to this section **within forty-five days after the purchase at the collector's sale.** Once the purchaser has [notified] **provided** the county collector [by affidavit that proper notice has been given] **the required documents, pursuant to this section,** anyone with a publicly recorded deed of trust, mortgage, lease, lien or claim upon the property shall have ninety days to redeem said property or be forever barred from redeeming said property, **except that no notice is required for post-third year tax sales as provided in subsection 4 of section 140.250.** If the county collector chooses to have the title search done then the county collector must comply with all provisions of this section, and may charge the purchaser the cost of the title search before giving the purchaser a deed pursuant to section 140.420.

140.420. If no person shall redeem the lands sold for taxes, **if redemption is allowed,** within one year [from the sale] **or within ninety days of the notice as specified in section 140.405 after a third-year tax sale,** at the expiration thereof, and on production of certificate of purchase, the collector of the county in which the sale of such lands took place shall execute to the purchaser, his heirs or assigns, in the name of the state, a conveyance of the real estate so sold, which shall vest in the grantee an absolute estate in fee simple, subject, however, to all claims thereon for unpaid taxes except such unpaid taxes existing at time of the purchase of said lands and the lien for which taxes was inferior to the lien for taxes for which said tract or lot of land was sold.”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1711, Page 7, Section 48.030, Line 26 of said page, by inserting immediately after said line the following:

“49.705. In any county of the third classification without a township form of government and with more than nine thousand six hundred fifty but fewer than nine thousand seven hundred fifty inhabitants, any person or entity, holding an outdoor concert, shall be required to receive approval from the county commission prior to holding such outdoor concert. Any person or entity that violates this section by holding an outdoor concert without prior approval from the county commission shall be assessed a civil fine of up to five thousand dollars. Such violation shall be prosecuted by the prosecuting attorney in the circuit court of the county where the violation occurred.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1711, Page 111, Section 701.355, Line 8, by inserting immediately after all of said line the following:

“Section 1. Municipalities and other political subdivisions may collect and share the identity of persons by the same means the Federal Bureau of Investigation or its successor agency uses in its Integrated Automated Fingerprint Identification System or its successor program.”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1711, Page 19, Section 67.659, Line 28 of said page, by inserting immediately after said line the following:

“67.1000. 1. The governing body of any county or of any city which is the county seat of any county or which now or hereafter has a population of more than three thousand five hundred inhabitants and which has heretofore been authorized by the general assembly, any county of the third classification without a township form of government and with more than thirteen thousand two hundred but fewer than thirteen thousand three hundred inhabitants, or of any other city which has a population of more than eighteen thousand and less than forty-five thousand inhabitants located in a county of the first classification with a population over two hundred thousand adjacent to a county of the first classification with a population over nine hundred thousand, may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at an election permitted under section 115.123, RSMo, a proposal to authorize the governing body of the city or county to impose a tax under the provisions of this section and section 67.1002. The tax authorized by this section and section 67.1002 shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and

the proceeds of such tax shall be used by the city or county solely for funding a convention and visitors bureau which shall be a general not-for-profit organization with whom the city or county has contracted, and which is established for the purpose of promoting the city or county as a convention, visitor and tourist center. Such tax shall be stated separately from all other charges and taxes.

2. In any county of the third classification without a township form of government and with more than forty-one thousand one hundred but fewer than forty-one thousand two hundred inhabitants, “transient guests”, as used in this section and section 67.1002, means a person or persons who occupy a room or rooms in a hotel or motel for ninety days or less during any calendar quarter.”; and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1711, Page 9, Section 49.310, Line 7 of said page, by inserting immediately after said line the following:

“67.180. No political subdivision shall prohibit any emergency personnel as defined in section 565.081, RSMo, from the following activities:

(1) Becoming or continuing to be members of any political party, club, or organization;

(2) Attending political meetings;

(3) Expressing views in private on political matters outside working hours and off political subdivision premises;

(4) Voting with complete freedom in any election;

(5) Being a candidate for or serving in elective or appointive office in any political subdivision that does not have jurisdiction over such emergency personnel's place of residence.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1711, Page 110, Section 546.902, Line 16 of said page, by inserting immediately after said line the following:

“650.120. 1. [Subject to appropriation,] There is hereby created in the state treasury the “Cyber Crime Investigation Fund”. The treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Beginning with the 2010 fiscal year and in each subsequent fiscal year, the general assembly shall appropriate three million dollars to the cyber crime investigation fund. The department of public safety shall be the administrator of the fund. Money in the fund shall be used solely for the administration of the grant program established under this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the

credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. The department of public safety shall create a program to distribute grants to multi jurisdictional Internet cyber crime law enforcement task forces, multi jurisdictional enforcement groups, as defined in section 195.503, RSMo, that are investigating Internet sex crimes against children, and other law enforcement agencies. **The program shall be funded by the cyber crime investigation fund created under subsection 1 of this section.** Not more than three percent of the money [appropriated] in the fund may be used by the department to pay the administrative costs of the grant program. The grants shall be awarded and used to pay the salaries of detectives and computer forensic personnel whose focus is investigating Internet sex crimes against children, including but not limited to enticement of a child, possession or promotion of child pornography, provide funding for the training of law enforcement personnel **and prosecuting and circuit attorneys as well as their assistant prosecuting and circuit attorneys**, and purchase necessary equipment, supplies, and services. The funding for such training may be used to cover the travel expenses of those persons participating.

[2.] 3. A panel is hereby established in the department of public safety to award grants under this program and shall be comprised of the following members:

- (1) The director of the department of public safety, or his or her designee;
- (2) Two members shall be appointed by the director of the department of public safety from a list of six nominees submitted by the Missouri Police Chiefs Association;
- (3) Two members shall be appointed by the director of the department of public safety from a list of six nominees submitted by the Missouri Sheriffs' Association;
- (4) Two members of the state highway patrol shall be appointed by the director of the department of public safety from a list of six nominees submitted by the Missouri State Troopers Association;
- (5) One member of the house of representatives who shall be appointed by the speaker of the house of representatives; and
- (6) One member of the senate who shall be appointed by the president pro tem.

The panel members who are appointed under subdivisions (2), (3), and (4) of this subsection shall serve a four-year term ending four years from the date of expiration of the term for which his or her predecessor was appointed. However, a person appointed to fill a vacancy prior to the expiration of such a term shall be appointed for the remainder of the term. Such members shall hold office for the term of his or her appointment and until a successor is appointed. The members of the panel shall receive no additional compensation but shall be eligible for reimbursement for mileage directly related to the performance of panel duties.

[3.] 4. Local matching amounts, which may include new or existing funds or in-kind resources including but not limited to equipment or personnel, are required for multi jurisdictional Internet cyber crime law enforcement task forces and other law enforcement agencies to receive grants awarded by the panel. Such amounts shall be determined by the state appropriations process or by the panel.

[4.] 5. When awarding grants, priority should be given to newly hired detectives and computer forensic personnel.

[5.] **6.** The panel shall establish minimum training standards for detectives and computer forensic personnel participating in the grant program established in subsection 1 of this section.

[6.] **7.** Multi jurisdictional Internet cyber crime law enforcement task forces and other law enforcement agencies participating in the grant program established in subsection 1 of this section shall share information and cooperate with the highway patrol and with existing Internet crimes against children task force programs.

[7.] **8.** The panel may make recommendations to the general assembly regarding the need for additional resources or appropriations.

[8.] **9.** The power of arrest of any peace officer who is duly authorized as a member of a multi jurisdictional Internet cyber crime law enforcement task force shall only be exercised during the time such peace officer is an active member of such task force and only within the scope of the investigation on which the task force is working. Notwithstanding other provisions of law to the contrary, such task force officer shall have the power of arrest, as limited in this subsection, anywhere in the state and shall provide prior notification to the chief of police of a municipality or the sheriff of the county in which the arrest is to take place. If exigent circumstances exist, such arrest may be made and notification shall be made to the chief of police or sheriff as appropriate and as soon as practical. The chief of police or sheriff may elect to work with the multi jurisdictional Internet cyber crime law enforcement task force at his or her option when such task force is operating within the jurisdiction of such chief of police or sheriff.

[9.] **10.** Under section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically six years after June 5, 2006, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Days, Green and Kennedy.

SA 7 was adopted by the following vote:

YEAS—Senators

Bartle	Callahan	Crowell	Dempsey	Gibbons	Goodman	Graham	Green
Justus	Kennedy	Koster	Loudon	McKenna	Purgason	Ridgeway	Shoemyer
Smith—17							

NAYS—Senators

Bray	Champion	Clemens	Coleman	Days	Engler	Griesheimer	Lager
Mayer	Nodler	Rupp	Shields	Stouffer	Vogel	Wilson—15	

Absent—Senators

Barnitz	Scott—2
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Absent with leave—Senators—None

Vacancies—None

Senator Bray offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1711, Page 20, Section 67.3000, Line 10 of said page, by inserting after all of said line the following:

“71.295. Notwithstanding any other provision of law to the contrary, a city, town, or village may satisfy all financial reporting requirements, including those under section 77.110, RSMo, section 79.160, RSMo, and section 80.210, RSMo, by posting the report on the official website of the municipality. The municipality shall report on all financial aspects that would have otherwise been published in a newspaper of record. The report shall maintain its place on the municipality's website for a period of not less than one year from the date of its publication to the website.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Graham offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1711, Page 99, Section 190.335, Line 10 of said page, by inserting immediately after said line the following:

“221.515. 1. Any person designated a jailer under the provisions of this chapter shall have the power to serve [an arrest warrant] civil process and arrest warrants on any person who surrenders himself or herself to the facility under an arrest warrant or is already an inmate in the custody of the facility in or at which such jailer is employed.

2. Under the rules and regulations of the sheriff, employees designated as jailers may carry firearms when necessary for the proper discharge of their duties as jailers in this state under the provisions of this chapter.

3. Such persons authorized to act by the sheriff as jailers under the rules and regulations of the sheriff shall have the same power as granted any other law enforcement officers in this state to arrest escaped prisoners and apprehend all persons who may be aiding and abetting such escape while in the custody of the sheriff in accordance with state law.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

At the request of Senator Clemens, **HB 1711**, with SCS, SS No. 2 for SCS and **SA 9** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2007** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2007**.

CONFERENCE COMMITTEE REPORTS

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2007** moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2007**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2007, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2007.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2007.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2007, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Gary Nodler

/s/ Robert N. Mayer

/s/ Joan Bray

/s/ Timothy P. Green

/s/ Scott Rupp

FOR THE HOUSE:

/s/ Allen Icet

/s/ Ed Robb

/s/ Rick Stream

/s/ Rachel Storch

/s/ Sam Komo

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway
Rupp	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators

Bartle Purgason—2

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 2007**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2007

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, and Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Champion	Clemens	Coleman	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway	Rupp
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senators

Bartle	Callahan	Purgason—3
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Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 2081, with **SCS**, introduced by Representative Dougherty, entitled:

An Act to repeal section 333.011, RSMo, and to enact in lieu thereof one new section relating to the state board of embalmers and funeral directors.

Was called from the Informal Calendar and taken up by Senator Callahan.

SCS for **HB 2081**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2081

An Act to repeal sections 194.119 and 333.011, RSMo, and to enact in lieu thereof two new sections relating to the final disposition of dead human bodies.

Was taken up.

Senator Callahan moved that **SCS** for **HB 2081** be adopted.

At the request of Senator Callahan, **HB 2081**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Clemens moved that **HB 1711**, with **SCS**, **SS No. 2** for **SCS** and **SA 9** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 9 was again taken up.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1711, Page 99, Section 190.335, Line 10 of said page, by inserting after all of said line the following:

“190.430. 1. The commissioner of the office of administration is authorized to establish a fee, if approved by the voters pursuant to section 190.440, not to exceed [fifty] **twenty-five** cents per wireless telephone number per month to be collected by wireless service providers from wireless service customers.

2. The office of administration shall promulgate rules and regulations to administer the provisions of sections 190.400 to 190.440. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in sections 190.400 to 190.440 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to [July 2, 1998] **August 28, 2008**, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 2, 1998, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after [July 2, 1998] **August 28, 2008**, shall be invalid and void.

3. The office of administration is authorized to administer the fund and to distribute the moneys in the wireless service provider enhanced 911 service fund for approved expenditures as follows:

(1) For the reimbursement of actual expenditures for implementation of wireless enhanced 911 service by wireless service providers in implementing Federal Communications Commission order 94-102; and

(2) To subsidize and assist the public safety answering points based on a formula established by the office of administration, which may include, but is not limited to the following:

(a) The volume of wireless 911 calls received by each public safety answering point;

(b) The population of the public safety answering point jurisdiction;

(c) The number of wireless telephones in a public safety answering point jurisdiction by zip code; and

(d) Any other criteria found to be valid by the office of administration provided that of the total amount of the funds used to subsidize and assist the public safety answering points, at least ten percent of said funds shall be distributed equally among all said public safety answering points providing said services under said

section;

(3) For the reimbursement of actual expenditures for equipment for implementation of wireless enhanced 911 service by public safety answering points to the extent that funds are available, provided that ten percent of funds distributed to public safety answering points shall be distributed in equal amounts to each public safety answering point participating in enhanced 911 service;

(4) Notwithstanding any other provision of the law, no proprietary information submitted pursuant to this section shall be subject to subpoena or otherwise released to any person other than to the submitting wireless service provider, without the express permission of said wireless service provider. General information collected pursuant to this section shall only be released or published in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual wireless service provider.

4. Wireless service providers are entitled to retain one percent of the surcharge money they collect for administrative costs associated with billing and collection of the surcharge.

5. No more than five percent of the moneys in the fund, subject to appropriation by the general assembly, shall be retained by the office of administration for reimbursement of the costs of overseeing the fund and for the actual and necessary expenses of the board.

6. The office of administration shall review the distribution formula once every year and may adjust the amount of the fee within the limits of this section, as determined necessary.

7. The provisions of sections 190.307 and 190.308 shall be applicable to programs and services authorized by sections 190.400 to 190.440.

8. Notwithstanding any other provision of the law, in no event shall any wireless service provider, its officers, employees, assigns or agents, be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, an act or omission in the development, design, installation, operation, maintenance, performance or provision of 911 service or other emergency wireless two- and three-digit wireless numbers, unless said acts or omissions constitute gross negligence, recklessness or intentional misconduct. Nor shall any wireless service provider, its officers, employees, assigns, or agents be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, the release of subscriber information to any governmental entity as required under the provisions of this act unless the release constitutes gross negligence, recklessness or intentional misconduct.

190.440. 1. The office of administration shall not be authorized to establish a fee pursuant to the authority granted in section 190.430 unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the Tuesday immediately following the first Monday in November, [1998] **2008**, or at a special election to be called by the governor on the ballot measure. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any subsequent special election called by the governor on the ballot measure, until such measure is approved.

2. The ballot of the submission shall contain, but is not limited to, the following language:

Shall the Missouri Office of Administration be authorized to establish a fee of up to [fifty] **twenty-five** cents per month to be charged every wireless telephone number for the purpose of funding wireless

enhanced 911 service?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “Yes”. If you are opposed to the question, place an “X” in the box opposite “No”.

3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the office of administration shall be authorized to establish a fee pursuant to section 190.430, and the fee shall be effective on January 1, [1999] **2009**, or the first day of the month occurring at least thirty days after the approval of the ballot measure, **but in no case shall the fee be imposed for more than ten years following its effective date unless reauthorized by the voters of this state in a manner substantially similar to that provided in subsection 2 of this section.** If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are opposed to the measure, then the office of administration shall have no power to establish the fee unless and until the measure is approved.”; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted.

At the request of Senator Clemens, **HB 1711**, with **SCS**, **SS No. 2** for **SCS** and **SA 10** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2008** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2008**.

CONFERENCE COMMITTEE REPORTS

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2008** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2008

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2008, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2008.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2008.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2008, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Gary Nodler

/s/ Robert N. Mayer

/s/ Joan Bray

/s/ Timothy P. Green

/s/ Scott Rupp

FOR THE HOUSE:

/s/ Allen Icet

/s/ Ed Robb

/s/ Rick Stream

/s/ Jamilah Nasheed

/s/ Ed Wildberger

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senator Purgason—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Lager assumed the Chair.

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 2008**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2008

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senator Purgason—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **SCS** for **SB 944**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Lager assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 724**, as amended. Representatives: Jones (117), Bruns, Wasson, Kuessner and McClanahan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2023**. Representatives: Icet, Robb, Tilley, Dougherty and Storch.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2009** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2009**.

CONFERENCE COMMITTEE REPORTS

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2009** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2009

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2009, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2009.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2009.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2009, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Gary Nodler
/s/ Robert N. Mayer
/s/ Joan Bray
/s/ Timothy P. Green
/s/ Scott Rupp

FOR THE HOUSE:

/s/ Allen Icet
/s/ Ed Robb
/s/ Rick Stream
/s/ Jamilah Nasheed
/s/ Ed Wildberger

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 2009**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2009

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV,

Section 28 of the Constitution of Missouri, for the period beginning July 1, 2008 and ending June 30, 2009.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

BILLS DELIVERED TO THE GOVERNOR

SS for **SCS** for **SB 944**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

RESOLUTIONS

Senator Koster offered Senate Resolution No. 2631, regarding Colonel Robert Dulong, Whiteman Air Force Base, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Scott introduced to the Senate, Bishop Mar Mathew Araral and Reverend Josy Joseph, Kerala, India; and Viveh and Shiju Malik, Cape Girardeau.

Senator Ridgeway introduced to the Senate, Dr. Duensing and Dr. Journee, Kansas City.

Senator Shields introduced to the Senate, Home Schoolers from Platte and Clay Counties.

Senator Crowell introduced to the Senate, seventh and eighth grade students from Salem Lutheran School, Farrar.

Senator Champion introduced to the Senate, twenty fourth grade students from Delaware Elementary School, Springfield.

On behalf of Senator Griesheimer and himself, Senator Smith introduced to the Senate, Sean Spicer and students from St. Clair High School.

Senator Barnitz introduced to the Senate, Jennifer Whitson and fourteen eighth grade students from Steelville R-3 Middle School; and Jim Cain, Steelville.

Senator Smith introduced to the Senate, members of Compton Drew Middle School Bike Club, St. Louis.

Senator Shields introduced to the Senate, his wife, Brenda and Marci Bennett-Hazelrigg, St. Joseph.

On behalf of Senator Engler, the President introduced to the Senate, his wife, Chris, Farmington.

Senator Gibbons introduced to the Senate, seventy-four fourth grade students from Westchester Elementary School, Kirkwood; and Kevin Kelley, Peyton Pilcher, Leslie Riggs and Emily Smotkin were made honorary pages.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Jeff Craver, M.D., St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FOURTH DAY—WEDNESDAY, MAY 7, 2008

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)

HOUSE BILLS ON THIRD READING

HCS for HBs 1595 & 1668 (Mayer)
(In Fiscal Oversight)

HCS for HB 1550 (Dempsey)

HB 1923-Jones (117) and Pratt (Barnitz)

HCS for HB 1516, with SCS (Goodman)

HB 2191-Nasheed, et al, with SCS (Coleman)
(In Fiscal Oversight)

HCS for HB 2279, with SCS (Engler)

HCS for HBs 1321 & 1695, with SCS
(Gibbons) (In Fiscal Oversight)

HB 1832-Cooper (120), et al, with SCS
(Griesheimer)

HCS for HB 2058, with SCS (Kennedy)
(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS

SB 713-Gibbons, with SCS

SB 716-Loudon, et al
 SB 717-Kennedy and Shields
 SB 729-Griesheimer, with SCS
 SB 749-Ridgeway, with SCS
 SB 756-Engler and Rupp, with SCS (pending)
 SB 776-Justus and Koster, with SCS
 SB 809-Stouffer, with SCS, SS for SCS & SA 1 (pending)
 SB 811-Stouffer, with SCS, SA 1 & point of order (pending)
 SB 815-Goodman
 SB 821-Shoemyer, with SCS (pending)
 SBs 840 & 857-Engler, with SCS & SS for SCS (pending)
 SB 861-Shoemyer, with SCS
 SB 874-Graham, with SCS
 SB 877-Mayer
 SB 881-Green
 SB 904-Griesheimer, with SCS
 SBs 909, 954, 934 & 1003-Engler, with SCS
 SB 915-Ridgeway
 SB 917-Goodman, et al
 SB 929-Green and Callahan, with SCS
 SB 957-Goodman
 SBs 982, 834 & 819-Purgason, with SCS
 SB 990-Champion
 SBs 993 & 770-Crowell, with SCS, SS for SCS, SA 4 & SSA 1 for SA 4 (pending)
 SB 996-Crowell, with SCS
 SB 997-Crowell
 SB 1000-Justus

SB 1007-Loudon, with SA 2 (pending)
 SBs 1021 & 870-Loudon, et al, with SCS, SS for SCS & SA 2 (pending)
 SB 1035-Scott, with SCS
 SB 1046-Mayer, with SA 1 & SSA 1 for SA 1 (pending)
 SB 1052-Rupp
 SB 1054-Dempsey, with SCS
 SB 1057-Scott, with SCS
 SB 1058-Mayer
 SB 1067-Ridgeway, et al
 SB 1077-Goodman, with SS (pending)
 SB 1093-Loudon, et al
 SB 1094-Loudon, with SCS
 SB 1099-Graham, with SA 1 (pending)
 SB 1101-Bray, et al
 SB 1103-Gibbons
 SB 1138-McKenna, with SCS
 SB 1158-Mayer, with SCS
 SB 1164-Loudon
 SB 1180-Crowell
 SB 1183-Bray, with SCS
 SB 1194-Goodman
 SB 1197-Crowell
 SBs 1234 & 1270-Shields, with SCS & SS#2 for SCS (pending)
 SB 1240-Dempsey
 SB 1244-Barnitz and Purgason
 SB 1275-Vogel
 SB 1278-Shields
 SJR 43-Loudon

HOUSE BILLS ON THIRD READING

HCS for HB 1341 (Nodler)
 HB 1358-Flook, et al (Ridgeway)
 HCS for HB 1393 (Ridgeway)
 HCS#2 for HB 1463, with SCS
 HCS for HB 1474, with SCS (Scott)
 HB 1532-Davis, with SCS (Rupp)
 HCS for HBs 1549, 1771, 1395 & 2366 (Rupp)
 HB 1617-Cunningham (86), et al (Dempsey)
 HB 1656-Nance and Cooper (155), with SCS (Stouffer)

HB 1661-LeVota, et al (Ridgeway)
 HB 1711-Weter, et al, with SCS, SS#2 for SCS & SA 10 (pending) (Clemens)
 HCS for HB 1715, with SCS (Scott)
 HCS for HB 1722, with SCS (Mayer)
 HCS for HB 1763 (Engler)
 HCS for HB 1790, HB 1805 & HCS for HB 1546, with SCS (Shields)
 HCS for HBs 1876 & 1877, with SCS (Mayer)
 HCS for HB 1904, with SCS (Goodman)

HB 1937-Pearce, et al, with SCS (Scott)
HB 1973-Franz, with SCS (Engler)
HB 1983-Pratt, with SCS (Goodman)
HCS for HB 2041, with SCS (Scott)
HCS for HB 2068 (Scott)
HB 2081-Dougherty, with SCS (pending)
(Callahan)

HCS for HB 2104, HB 1574, HB 1706,
HCS for HB 1774, HB 2055 & HCS
for HB 2056, with SCS (Crowell)
HB 2226-Muschany (Rupp)
HCS for HJR 55 (Crowell)

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)
HB 1670-Cooper (120) (Dempsey)
HB 1828-Sutherland (Vogel)
HCS for HB 1804, with SCS (Days)
HB 2047-Curls, et al, with SCS (Callahan)
HB 1410-Flook, et al (Ridgeway)
HCS for HB 1888 (Clemens)
HB 1368-Thomson (Lager)
HCS for HB 1807, with SCS (Mayer)
HB 1869-Wilson (130), et al (Goodman)

HCS for HB 2048, with SCS (Engler)
HB 2213-Kraus, et al (Shields)
HB 1422-St. Onge, et al, with SCS (Stouffer)
HB 1354-Wilson (119), et al (Scott)
HCS for HB 1575 (Vogel)
HB 1952-Loehner, et al (Barnitz)
HB 1887-Parson (Scott)
HCS for HB 2360 (Lager)
HB 1311-Hoskins, with SCS (Engler)
HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin (Ridgeway)
HB 2065-Wasson, with SCS (Scott)
HB 1450-Roorda, et al, with SCS (McKenna)
HB 2233-Page, et al (Shields)

HB 1419-Portwood (Loudon)
HB 1791-Cooper (155), et al (Barnitz)
HB 1689-Wilson (130), with SCS (Scott)
HCS for HB 1690, with SCS (Scott)

Reported 4/15

HCS for HB 1380 (Goodman)
HCS for HB 2036 (Stouffer)
HB 1946-Franz, with SCS (Champion)
HB 1849-Pratt and Curls (Justus)
HB 1640-Schoeller, et al, with SCS (Goodman)
HB 1570-Franz, with SCS (Champion)
HB 1469-Pratt (Goodman)

HB 1710-Flook (Ridgeway)
HCS for HB 1783 (Engler)
HB 1784-Meadows, et al (McKenna)
HB 1313-Wright, et al (Mayer)
HCS for HB 1893 (Dempsey)
HB 1881-Schlottach (Kennedy)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 863-Rupp, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SCS for SB 724-Scott, et al, with HCS,
as amended
SB 841-Stouffer, with HCS, as amended
SS for SCS for SB 931-Purgason,
with HCS, as amended
(Senate adopted CCR and passed CCS)

SB 958-Goodman, with HCS
HCS for HB 2010, with SCS (Nodler)
HCS for HB 2011, with SCS (Nodler)
HCS for HB 2012, with SCS (Nodler)
HCS for HB 2013, with SCS (Nodler)
HCS for HB 2023, with SCS (Nodler)

Requests to Recede or Grant Conference

SB 1068-Mayer, with HA 1 & HA 3
(Senate requests House
recede or grant conference)

SB 1074-Dempsey, with HCS, as amended
(Senate requests House
recede or grant conference)

RESOLUTIONS

Reported from Committee

SCR 27-Champion
SCR 32-Purgason
SCR 33-Bray

HCR 7-Pearce, et al (Rupp)
HCR 23-Dixon, et al, with SCA 1 (Loudon)

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Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FOURTH DAY—WEDNESDAY, MAY 7, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The community of the living is the carriage of the Lord.” (Hasidic proverb)

Heavenly Father, as we gathered with friends and former colleagues we are reminded of the special community we share with those who have and continue to serve faithfully the people of Missouri. We are thankful for this community for we draw strength and wisdom from You and from the past You lead others through so we can affect the future positively by what we do this day. We pray for Cory Purgason who broke his leg and is in St. John’s Springfield for surgery. We pray for his healing and renewed strength. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Ridgeway offered Senate Resolution No. 2632, regarding Paul Jameson, Kearney, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2633, regarding Matthew Ryan Perry, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2634, regarding Casey Lee Fiddelke, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2635, regarding Matthew William Guptill, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2636, regarding David Louis Relic, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2637, regarding Derek Daniel Schirmer, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2638, regarding James Daniel Fluker, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2639, regarding Chouteau Outback Steakhouse, Kansas City, which was adopted.

Senator Crowell offered Senate Resolution No. 2640, regarding the 2007-2008 Class 3 State Champion Notre Dame Regional High School competitive academic team, Cape Girardeau, which was adopted.

Senator Koster offered Senate Resolution No. 2641, regarding Samantha Hill, Holden, which was adopted.

Senator Barnitz offered Senate Resolution No. 2642, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. Virgil W. Helton, Vienna, which was adopted.

Senator Barnitz offered Senate Resolution No. 2643, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Warren F. Helton, Vienna, which was adopted.

Senator Barnitz offered Senate Resolution No. 2644, regarding the Ninety-eighth Birthday of Ruby M. Ott, Crocker, which was adopted.

Senator Crowell offered Senate Resolution No. 2645, regarding Paige Rampley, Benton, which was adopted.

Senator Crowell offered Senate Resolution No. 2646, regarding Lela Deason, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 2647, regarding Elizabeth Ray, Benton, which was adopted.

Senator Bray offered Senate Resolution No. 2648, regarding Joseph L. Dillon, Clayton, which was adopted.

Senator Stouffer offered Senate Resolution No. 2649, regarding the One Hundredth Anniversary of Citizens Telephone Company, Higginsville, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2010** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2010**.

CONFERENCE COMMITTEE REPORTS

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2010** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2010

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2010, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2010.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2010.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2010, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Gary Nodler

/s/ Robert N. Mayer

/s/ Joan Bray

/s/ Timothy P. Green

/s/ Scott T. Rupp

FOR THE HOUSE:

/s/ Allen Icet

/s/ Ed Robb

/s/ Rick Stream

Shalonn Curls

Rebecca McClanahan

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Ridgeway	Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senator Purgason—1

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 2010**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2010

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2008 and ending June 30, 2009.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Ridgeway	Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senator Purgason—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Griesheimer assumed the Chair.

Senator Shields announced that photographers from KRCG-TV and the Bosnian Newspaper Saban were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HCS for **HB 1715**, with **SCS**, entitled:

An Act to repeal sections 304.157, 306.010, 306.015, 306.030, 306.100, 306.111, 306.112, 306.114, 306.117, 306.124, 306.125, 306.132, 306.147, 306.163, 306.221, 306.228, 565.024, 565.082, and 577.080,

RSMo, and to enact in lieu thereof twenty new sections relating to watercraft, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Scott.

SCS for HCS for HB 1715, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1715

An Act to repeal sections 304.157, 306.010, 306.015, 306.100, 306.111, 306.112, 306.114, 306.117, 306.124, 306.125, 306.132, 306.147, 306.163, 306.190, 306.221, 306.228, 565.024, 565.082, 577.023, and 577.080, RSMo, and to enact in lieu thereof twenty-one new sections relating to watercraft, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Scott moved that **SCS for HCS for HB 1715** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1715, Page 6, Section 306.015, Line 34, by inserting after all of said line the following:

“306.030. 1. The owner of each vessel requiring numbering by this state shall file an application for number with the department of revenue on forms provided by it. The application shall contain a full description of the vessel, factory number or serial number, together with a statement of the applicant's source of title and of any liens or encumbrances on the vessel. For good cause shown the director of revenue may extend the period of time for making such application. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true, and, if satisfied that the applicant is the lawful owner of such vessel, or otherwise entitled to have the same registered in his or her name, shall thereupon issue an appropriate certificate of title over the director's signature and sealed with the seal of the director's office, procured and used for such purpose, and a certificate of number stating the number awarded to the vessel. The application shall include a provision stating that the applicant will consent to any inspection necessary to determine compliance with the provisions of this chapter and shall be signed by the owner of the vessel and shall be accompanied by the fee specified in subsection 10 of this section. The owner shall paint on or attach to each side of the bow of the vessel the identification number in a manner as may be prescribed by rules and regulations of the division of water safety in order that it may be clearly visible. The number shall be maintained in legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the vessel for which issued, whenever the vessel is in operation. The operator of a vessel in which such certificate of number is not available for inspection by the state water patrol or, if the operator cannot be determined, the person who is the registered owner of the vessel shall be subject to the penalties provided in section 306.210. Vessels owned by the state or a political subdivision shall be registered but no fee shall be assessed for such registration.

2. Each new vessel sold in this state after January 1, 1970, shall have die stamped on or within three feet of the transom or stern a factory number or serial number.

3. The owner of any vessel already covered by a number in full force and effect which has been awarded to it pursuant to then operative federal law or a federally approved numbering system of another

state shall record the number prior to operating the vessel on the waters of this state in excess of the sixty-day reciprocity period provided for in section 306.080. The recordation and payment of registration fee shall be in the manner and pursuant to the procedure required for the award of a number under subsection 1 of this section. No additional or substitute number shall be issued unless the number is a duplicate of an existing Missouri number.

4. In the event that an agency of the United States government shall have in force an overall system of identification numbering for vessels within the United States, the numbering system employed pursuant to this chapter by the department of revenue shall be in conformity therewith.

5. All records of the department of revenue made and kept pursuant to this section shall be public records.

6. Every certificate of number awarded pursuant to this chapter shall continue in force and effect for a period of three years unless sooner terminated or discontinued in accordance with the provisions of this chapter. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of the same or in accordance with the provisions of sections 306.010 to 306.030.

7. The department of revenue shall fix the days and months of the year on which certificates of number due to expire during the calendar year shall lapse and no longer be of any force and effect unless renewed pursuant to this chapter and may stagger such dates in order to distribute the workload.

8. When applying for or renewing a vessel's certificate of number, the owner shall submit a paid personal property tax receipt for the tax year which immediately precedes the year in which the application is made or the year in which the renewal is due and which reflects that the vessel being renewed is listed as personal property and that all personal property taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township in which the owner's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due.

9. When applying for or renewing a certificate of registration for a vessel documented with the United States Coast Guard under section 306.016, owners of vessels shall submit a paid personal property tax receipt for the tax year which immediately precedes the year in which the application is made or the renewal is due and which reflects that the vessel is listed as personal property and that all personal property taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township in which the owner's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due.

10. The fee to accompany each application for a certificate of number is:

For vessels under 16 feet in length	\$25.00
For vessels at least 16 feet in length but less than 26 feet in length	\$55.00
For vessels at least 26 feet in length but less than 40 feet in length	\$100.00
For vessels at least 40 feet and over	\$150.00.

11. The certificate of title and certificate of number issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection.

12. The first two million dollars collected annually under the provisions of this section shall be deposited into the state general revenue fund. All fees collected under the provisions of this section in excess of two million dollars annually shall be deposited in the Missouri state water patrol fund and shall be used exclusively for the Missouri state water patrol.

13. Notwithstanding the provisions of subsection 10 of this section, vessels at least 16 feet in length but less than 28 feet in length, that are homemade, constructed out of wood, and have a beam of 5 feet or less, shall pay a fee of \$55.00 which shall accompany each application for a certification number.”;
and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SCS** for **HCS** for **HB 1715**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **HCS** for **HB 1715**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel—32

NAYS—Senators—None

Absent—Senator Wilson—1

Absent with leave—Senator Purgason—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Ridgeway	Rupp	Scott	Shields	Smith	Stouffer	Vogel—31	

NAYS—Senators—None

Absent—Senators

Shoemyer Wilson—2

Absent with leave—Senator Purgason—1

Vacancies—None

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Rupp moved that **SB 863**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 863, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 863

An Act to repeal sections 166.425 and 166.435, RSMo, and to enact in lieu thereof two new sections relating to the income tax deduction for contributions to the Missouri higher education savings program.

Was taken up.

Senator Rupp moved that **HCS for SB 863** be adopted.

Senator Lager assumed the Chair.

Senator Bray offered a substitute motion that the Senate refuse to concur in **HCS for SB 863** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion failed.

Senator Rupp moved that **HCS for SB 863** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Kennedy—1

Absent with leave—Senator Purgason—1

Vacancies—None

On motion of Senator Rupp, **HCS for SB 863** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Kennedy—1

Absent with leave—Senator Purgason—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Lager.

RESOLUTIONS

Senator Engler offered Senate Resolution No. 2650, regarding Linda Coleman, which was adopted.

Senator Engler offered Senate Resolution No. 2651, regarding Margaret Austin, which was adopted.

Senator Engler offered Senate Resolution No. 2652, regarding Adele Weatherly, which was adopted.

Senator Engler offered Senate Resolution No. 2653, regarding JoAnn Puckett, which was adopted.

Senator Engler offered Senate Resolution No. 2654, regarding Bill Mayberry, which was adopted.

Senator Engler offered Senate Resolution No. 2655, regarding Terry Dobbs, which was adopted.

Senator Engler offered Senate Resolution No. 2656, regarding Lindell Coleman, which was adopted.

Senator Engler offered Senate Resolution No. 2657, regarding Martha Anne Hiatt, Willow Springs, which was adopted.

Senator Engler offered Senate Resolution No. 2658, regarding Joe Goff, Farmington, which was adopted.

Senators Stouffer and Scott offered Senate Resolution No. 2659, regarding the Thirtieth Wedding Anniversary of Mr. and Mrs. Jeff Osner, Lowry City, which was adopted.

Senator Green offered Senate Resolution No. 2660, regarding Terrance L. Freeman, Ph.D., St. Louis, which was adopted.

Senator Green offered Senate Resolution No. 2661, regarding Jeffrey Spahr, Overland Park, Kansas, which was adopted.

Senator Champion offered Senate Resolution No. 2662, regarding Lacy Kendrick, Nixa, which was adopted.

Senator Koster offered Senate Resolution No. 2663, regarding Phyllis E. Sprenkle, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 2393**, as amended, and has taken up and passed **SS** for **SCS** for **HCS** for **HB 2393**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2011** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2011**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2012** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2012**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2013** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2013**.

CONFERENCE COMMITTEE REPORTS

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2011** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2011

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2011, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2011.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2011.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House

Committee Substitute for House Bill No. 2011, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Gary Nodler

/s/ Robert N. Mayer

/s/ Joan Bray

/s/ Timothy P. Green

/s/ Scott T. Rupp

FOR THE HOUSE:

/s/ Allen Icet

/s/ Ed Robb

/s/ Rick Stream

Shalonn Curls

Rebecca McClanahan

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway	Rupp	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson—29			

NAYS—Senator Bartle—1

Absent—Senators

Coleman	Kennedy	Scott—3
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Absent with leave—Senator Purgason—1

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 2011**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2011**

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2008 and ending June 30, 2009.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway	Rupp
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senator Bartle—1

Absent—Senators

Kennedy Scott—2

Absent with leave—Senator Purgason—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2012** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2012

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2012, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2012.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2012.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2012, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Gary Nodler

/s/ Robert N. Mayer

/s/ Joan Bray

/s/ Timothy P. Green

/s/ Scott T. Rupp

FOR THE HOUSE:

/s/ Allen Icet

/s/ Ed Robb

/s/ Rick Stream

/s/ Shalonn K. Curls

/s/ Rachel Storch

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Stouffer	Vogel	Wilson—30		

NAYS—Senators

Shoemyer Smith—2

Absent—Senator Kennedy—1

Absent with leave—Senator Purgason—1

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 2012**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2012

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2008 and ending June 30, 2009.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Stouffer	Vogel	Wilson—30		

NAYS—Senators

Shoemyer Smith—2

Absent—Senator Kennedy—1

Absent with leave—Senator Purgason—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2013** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2013

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2013, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2013.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2013.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2013, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Gary Nodler

/s/ Robert N. Mayer

/s/ Joan Bray

/s/ Timothy P. Green

/s/ Scott T. Rupp

FOR THE HOUSE:

/s/ Allen Icet

/s/ Ed Robb

/s/ Rick Stream

/s/ Shalonn K. Curls

/s/ Rachel Storch

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senator Bartle—1

Absent—Senators

Coleman Kennedy—2

Absent with leave—Senator Purgason—1

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 2013**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2013

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Bartle—1

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

On motion of Senator Shields, the Senate recessed until 4:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Gibbons.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 1700**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Vogel, Chairman of the Committee on Ways and Means, Senator Shields submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HJR 43**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 1995**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1716**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HBs 1831** and **1472**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS No. 2** for **HB 1423**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS** for **HB 1626**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS** for **HBs 1788** and **1882**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mayer, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 1314**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Engler assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 724**, as amended, moved that the following conference committee report

be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 724

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 724, with House Amendments Nos. 1, 2, and 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 724, as amended;

2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 724;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 724, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Delbert Scott

/s/ Norma Champion

Chuck Purgason

/s/ Timothy P. Green

/s/ Harry Kennedy

FOR THE HOUSE:

/s/ Kenny Jones, 117

/s/ Mark Bruns

/s/ Jay Wasson

J.C. Kuessner

/s/ Rebecca McClanahan

Senator Scott moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senator Purgason—1

Vacancies—None

On motion of Senator Scott, **CCS** for **HCS** for **SCS** for **SB 724**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 724

An Act to repeal sections 195.017, 195.070, 195.100, 195.417, 334.104, 335.016, and 335.076, RSMo, and to enact in lieu thereof eight new sections relating to controlled substances, with penalty provisions and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senator Purgason—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Graham moved that **SB 1099**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was taken up.

At the request of Senator Loudon, **SA 1** was withdrawn.

On motion of Senator Graham, **SB 1099** was declared perfected and ordered printed.

On motion of Senator Shields, the Senate recessed until 5:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Scott.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 1021** and **SB 870**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Loudon, **SS** for **SCS** for **SBs 1021** and **870** was withdrawn rendering **SA 2** moot.

Senator Loudon offered **SS No. 2** for **SCS** for **SBs 1021** and **870**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1021 and 870

An Act to repeal sections 334.010, 334.120, 334.260, and 376.1753, RSMo, and to enact in lieu thereof fifteen new sections relating to the practice of midwifery, with penalty provisions and an emergency clause.

Senator Loudon moved that **SS No. 2** for **SCS** for **SBs 1021** and **870** be adopted.

Senator Loudon offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1021 and 870, Page 14, Section 324.1241, Line 6, by adding after the word “of” the word “gross”.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Loudon moved that **SS No. 2** for **SCS** for **SBs 1021** and **870**, as amended, be adopted, which motion prevailed.

On motion of Senator Loudon, **SS No. 2** for **SCS** for **SBs 1021** and **870** was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HB 2224** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 1074**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **SB 1068** as amended and grants the Senate a conference thereon; and further that the conferees be allowed to exceed the differences for the sole purpose of excluding Department of Health and Senior Services program rebates from the fund.

INTRODUCTIONS OF GUESTS

Senator Goodman introduced to the Senate, his wife, Laura, and their sons, Jack Elliott Goodman and William True Goodman; and Jack Elliott Goodman and William True Goodman were made honorary pages.

Senator Champion introduced to the Senate, Dr. Carol Gosselink, Springfield.

Senator Ridgeway introduced to the Senate, the Physician of the Day, Dr. Jim DiRenna, D.O., Independence.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FIFTH DAY—THURSDAY, MAY 8, 2008

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)

HOUSE BILLS ON THIRD READING

- | | |
|---|---|
| 1. HCS for HBs 1595 & 1668 (Mayer)
(In Fiscal Oversight) | 9. HCS for HB 2058, with SCS (Kennedy)
(In Fiscal Oversight) |
| 2. HCS for HB 1550 (Dempsey) | 10. HCS for HB 1700, with SCS (Scott) |
| 3. HB 1923-Jones (117) and Pratt (Barnitz) | 11. HCS for HJR 43, with SCS |
| 4. HCS for HB 1516, with SCS (Goodman) | 12. HB 1995-Schieffer, et al |
| 5. HB 2191-Nasheed, et al, with SCS
(Coleman) (In Fiscal Oversight) | 13. HB 1716-Guest, et al (Purgason) |
| 6. HCS for HB 2279, with SCS (Engler) | 14. HCS for HBs 1831 & 1472 (Mayer) |
| 7. HCS for HBs 1321 & 1695, with SCS
(Gibbons) (In Fiscal Oversight) | 15. HCS#2 for HB 1423, with SCS |
| 8. HB 1832-Cooper (120), et al, with SCS
(Griesheimer) | 16. HCS for HB 1626 |
| | 17. HCS for HBs 1788 & 1882 (Crowell) |
| | 18. HCS for HB 1314, with SCS (Callahan) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS
SB 713-Gibbons, with SCS
SB 716-Loudon, et al
SB 717-Kennedy and Shields
SB 729-Griesheimer, with SCS

SB 749-Ridgeway, with SCS
SB 756-Engler and Rupp, with SCS (pending)
SB 776-Justus and Koster, with SCS
SB 809-Stouffer, with SCS, SS for SCS & SA 1
(pending)

SB 811-Stouffer, with SCS, SA 1 & point of order (pending)
 SB 815-Goodman
 SB 821-Shoemyer, with SCS (pending)
 SBs 840 & 857-Engler, with SCS & SS for SCS (pending)
 SB 861-Shoemyer, with SCS
 SB 874-Graham, with SCS
 SB 877-Mayer
 SB 881-Green
 SB 904-Griesheimer, with SCS
 SBs 909, 954, 934 & 1003-Engler, with SCS
 SB 915-Ridgeway
 SB 917-Goodman, et al
 SB 929-Green and Callahan, with SCS
 SB 957-Goodman
 SBs 982, 834 & 819-Purgason, with SCS
 SB 990-Champion
 SBs 993 & 770-Crowell, with SCS, SS for SCS, SA 4 & SSA 1 for SA 4 (pending)
 SB 996-Crowell, with SCS
 SB 997-Crowell
 SB 1000-Justus
 SB 1007-Loudon, with SA 2 (pending)
 SB 1035-Scott, with SCS
 SB 1046-Mayer, with SA 1 & SSA 1 for SA 1 (pending)

SB 1052-Rupp
 SB 1054-Dempsey, with SCS
 SB 1057-Scott, with SCS
 SB 1058-Mayer
 SB 1067-Ridgeway, et al
 SB 1077-Goodman, with SS (pending)
 SB 1093-Loudon, et al
 SB 1094-Loudon, with SCS
 SB 1101-Bray, et al
 SB 1103-Gibbons
 SB 1138-McKenna, with SCS
 SB 1158-Mayer, with SCS
 SB 1164-Loudon
 SB 1180-Crowell
 SB 1183-Bray, with SCS
 SB 1194-Goodman
 SB 1197-Crowell
 SBs 1234 & 1270-Shields, with SCS & SS#2 for SCS (pending)
 SB 1240-Dempsey
 SB 1244-Barnitz and Purgason
 SB 1275-Vogel
 SB 1278-Shields
 SJR 43-Loudon

HOUSE BILLS ON THIRD READING

HCS for HB 1341 (Nodler)
 HB 1358-Flook, et al (Ridgeway)
 HCS for HB 1393 (Ridgeway)
 HCS#2 for HB 1463, with SCS
 HCS for HB 1474, with SCS (Scott)
 HB 1532-Davis, with SCS (Rupp)
 HCS for HBs 1549, 1771, 1395 & 2366 (Rupp)
 HB 1617-Cunningham (86), et al (Dempsey)
 HB 1656-Nance and Cooper (155), with SCS (Stouffer)
 HB 1661-LeVota, et al (Ridgeway)
 HB 1711-Weter, et al, with SCS, SS#2 for SCS & SA 10 (pending) (Clemens)

HCS for HB 1722, with SCS (Mayer)
 HCS for HB 1763 (Engler)
 HCS for HB 1790, HB 1805 & HCS for HB 1546, with SCS (Shields)
 HCS for HBs 1876 & 1877, with SCS (Mayer)
 HCS for HB 1904, with SCS (Goodman)
 HB 1937-Pearce, et al, with SCS (Scott)
 HB 1973-Franz, with SCS (Engler)
 HB 1983-Pratt, with SCS (Goodman)
 HCS for HB 2041, with SCS (Scott)
 HCS for HB 2068 (Scott)
 HB 2081-Dougherty, with SCS (pending) (Callahan)

HCS for HB 2104, HB 1574, HB 1706, HCS
for HB 1774, HB 2055 & HCS for
HB 2056, with SCS (Crowell)

HB 2226-Muschany (Rupp)
HCS for HJR 55 (Crowell)

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)
HB 1670-Cooper (120) (Dempsey)
HB 1828-Sutherland (Vogel)
HCS for HB 1804, with SCS (Days)
HB 2047-Curls, et al, with SCS (Callahan)
HB 1410-Flook, et al (Ridgeway)
HCS for HB 1888 (Clemens)
HB 1368-Thomson (Lager)
HCS for HB 1807, with SCS (Mayer)
HB 1869-Wilson (130), et al (Goodman)
HCS for HB 2048, with SCS (Engler)

HB 2213-Kraus, et al (Shields)
HB 1422-St. Onge, et al, with SCS
(Stouffer)
HB 1354-Wilson (119), et al (Scott)
HCS for HB 1575 (Vogel)
HB 1952-Loehner, et al (Barnitz)
HB 1887-Parson (Scott)
HCS for HB 2360 (Lager)
HB 1311-Hoskins, with SCS (Engler)
HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin (Ridgeway)
HB 2065-Wasson, with SCS (Scott)
HB 1450-Roorda, et al, with SCS (McKenna)
HB 2233-Page, et al (Shields)

HB 1419-Portwood (Loudon)
HB 1791-Cooper (155), et al (Barnitz)
HB 1689-Wilson (130), with SCS (Scott)
HCS for HB 1690, with SCS (Scott)

Reported 4/15

HCS for HB 1380 (Goodman)
HCS for HB 2036 (Stouffer)
HB 1946-Franz, with SCS (Champion)
HB 1849-Pratt and Curls (Justus)
HB 1640-Schoeller, et al, with SCS
(Goodman)
HB 1570-Franz, with SCS (Champion)

HB 1469-Pratt (Goodman)
HB 1710-Flook (Ridgeway)
HCS for HB 1783 (Engler)
HB 1784-Meadows, et al (McKenna)
HB 1313-Wright, et al (Mayer)
HCS for HB 1893 (Dempsey)
HB 1881-Schlottach (Kennedy)

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SCS for SB 724-Scott, et al, with HCS,
as amended (Senate adopted CCR and
passed CCS)
SB 841-Stouffer, with HCS, as amended
SS for SCS for SB 931-Purgason, with
HCS, as amended (Senate adopted CCR
and passed CCS)

SB 958-Goodman, with HCS
SB 1068-Mayer, with HA 1 & HA 3
SB 1074-Dempsey, with HCS, as amended
HCS for HB 2023, with SCS (Nodler)

Requests to Recede or Grant Conference

HB 2224-Jones (117), with SS for SCS (Griesheimer)
(House requests Senate recede or grant conference)

RESOLUTIONS

Reported from Committee

SCR 27-Champion
SCR 32-Purgason
SCR 33-Bray

HCR 7-Pearce, et al (Rupp)
HCR 23-Dixon, et al, with SCA 1 (Loudon)

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Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FIFTH DAY—THURSDAY, MAY 8, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“We are to fear, love and trust God above all things.” (Martin Luther)

Gracious God, help us to love You and worship You with faithfulness that overflows in our ability to love our families and friends and our neighbors. Help us to follow Your law perfectly and demonstrate our obedience in our words and behavior and all we do this day and weekend ahead. Please “watch our going out and coming in” and give You thanks for making Your love the real issue for our lives. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 2664, regarding Paul A. Young, which was adopted.

Senator Stouffer offered Senate Resolution No. 2665, regarding Janice Blankenship, Hardin, which was adopted.

Senator Nodler offered Senate Resolution No. 2666, regarding Ian Liss, Neosho, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 2667

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate Chamber for the purpose of their regular session from 8:00 a.m. to 4:30 p.m. on September 30, 2008 and from 8:00 a.m. to 12 noon on October 1, 2008.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 2667** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 2667** was adopted.

Senator Champion offered Senate Resolution No. 2668, regarding Janelle Melton, Marshfield, which was adopted.

Senator Champion offered Senate Resolution No. 2669, regarding Jack Hunter, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 2670, regarding Clint Copeland, Springfield, which was adopted.

Senator Vogel offered Senate Resolution No. 2671, regarding Patrick Ryan Mahoney, Jefferson City, which was adopted.

Senator Coleman offered Senate Resolution No. 2672, regarding the One Hundred Twenty-fifth Anniversary of Walter Knoll Florist, Saint Louis, which was adopted.

Senator Clemens offered Senate Resolution No. 2673, regarding Jeffrey Faust, Saint Louis, which was adopted.

Senator Vogel offered Senate Resolution No. 2674, regarding Abiy Hailu, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 2675, regarding Alisha Mehrhoff, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 2676, regarding Ashley Gilpin, Auxvasse, which was

adopted.

Senator Crowell offered Senate Resolution No. 2677, regarding Charlotte Schaffner, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2678, regarding Jennifer Huo, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2679, regarding Alana M. Hargrove, Vanduser, which was adopted.

Senator Crowell offered Senate Resolution No. 2680, regarding Lara Lee Wells, Morley, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Zelema Harris, Clara L. Urhahn, Rhonda K. Stafford, Nancy Montgomery, Patrick H. Kellett, Brenda J. Wrench and David H. Duncan, as members of the Missouri Workforce Investment Board;

Also,

Wayne D. Duncan, Republican, as a member of the Missouri Horse Racing Commission;

Also,

Jeffrey B. Davison, Republican, and James R. Tweedy, Democrat, as members of the Missouri Ethics Commission;

Also,

Erick V. Kern, Republican, as a member of the Linn State Technical College Board of Regents;

Also,

Jason M. Morgan, Democrat, as a member of the Environmental Improvement and Energy Resources Authority;

Also,

Gary L. Panethiere, Democrat, as a member of the Northwest Missouri State University Board of Regents;

Also,

Thomas E. Pinegar, Roger L. Mitchell and Edward S. Stevens, as members of the Life Sciences Research Board;

Also,

Carol A. Gosselink, Democrat, as a member of the State Board of Senior Services;

Also,

Wayne L. Kindle, as a member of the Board of Cosmetology and Barber Examiners;

Also,

Mary E. Potter and Linda L. Duffy, Republicans, as members of the Missouri Community Service Commission;

Also,

Brian C. Jamison, Republican, as a member of the Board of Probation and Parole;

Also,

Helen R. Washburn, Democrat, and Mary Beth Luna Wolf, Republican, as members of the Coordinating Board for Higher Education;

Also,

Marie L. Payne and Robert M. Derickson, Republicans, as members of the Missouri Emergency Response Commission;

Also,

Robert W. Dodson, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Kevin Skibiski, Robert N. Hartnett and Randall B. Miltenberger, as members of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects;

Also,

Janet M. Bandera and Valerie J. White, Republicans, Michelle T. Esswein, Independent, and Sarah R. Murray, Democrat, as members of the Missouri Women's Council;

Also,

Bradley D. Freeman, Democrat, as a member of the State Board of Registration for the Healing Arts;

Also,

Kenneth G. McGhee, as a member of the Board of Private Investigator Examiners;

Also,

James G. Avery, Jr., as Chairman of the State Board of Mediation;

Also,

Richard D. James, D.C. and Kathleen A. Coleton, as members of the Missouri Acupuncturist Advisory Committee;

Also,

Robert F. Lawrence and Fred R. Schoen, as members of the Well Installation Board;

Also,

James T. Frakes and Elizabeth B. Aull, Republicans, as members of the Hazardous Waste Management

Commission;

Also,

Gregory M. Brown, Republican, as a member of the Missouri Fire Education Commission;

Also,

Gregory S. Gaffke, Democrat, as a member of the Lincoln University Board of Curators;

Also,

Garry E. Taylor, as a member of the Consolidated Health Care Plan Board of Trustees;

Also,

Brian S. Conley, as a member of the Missouri Genetic Disease Advisory Committee;

Also,

Lois B. Kramer-Owens, Republican, as a member of the State Committee of Dietitians;

Also,

Nick L. Matherly and Gregory D. Haddock, Republicans, as members of the Land Reclamation Commission;

Also,

Lori A. Ladd, as a member of the Missouri State Advisory Council on Pain and Symptom Management;

Also,

Darryl T. Jones, Democrat, and Noel J. Shull, Republican, as members of the Missouri Gaming Commission;

Also,

Samuel M. Hunter and Ben A. “Todd” Parnell, Democrats, as members of the Clean Water Commission;

Also,

Peter Wayne Goode, as a member of the Second State Capitol Commission;

Also,

Becky J. Jungmann, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Michael K. Whitehead, Republican, as a member of the Jackson County Board of Election Commissioners;

Also,

Susan M. Abdel-Rahman, as a member of the Drug Utilization Review Board;

Also,

John K. Nisbet, Independent, as a member of the Amusement Ride Safety Board.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Dempsey assumed the Chair.

PRIVILEGED MOTIONS

Senator Goodman moved that the conference committee on **HCS** for **SB 958** be dissolved and **HCS** for **SB 958** be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 958**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 958

An Act to repeal section 537.340, RSMo, and to enact in lieu thereof one new section relating to tree trimming.

Was taken up.

Senator Goodman moved that **HCS** for **SB 958** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senator Purgason—1

Vacancies—None

On motion of Senator Goodman, **HCS** for **SB 958** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HBs 1831** and **1472**; **HCS** for **HB 1700**, with **SCS**; and **HCS** for **HBs 1788** and **1882** to the Committee on Governmental Accountability and Fiscal Oversight.

PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 2224**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 2224**: Senators Griesheimer, Mayer, Crowell, Shoemyer and McKenna.

HOUSE BILLS ON THIRD READING

HCS for **HB 1550** was placed on the Informal Calendar.

HB 1923 was placed on the Informal Calendar.

HCS for **HB 1516**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 2279**, with **SCS**, entitled:

An Act to repeal sections 393.275, 407.300, 537.340, 660.115 and 660.135, RSMo, and to enact in lieu thereof thirteen new sections relating to utilities, with penalty provisions.

Was taken up by Senator Engler.

SCS for **HCS** for **HB 2279**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2279

An Act to repeal sections 393.275, 407.300, and 537.340, RSMo, and to enact in lieu thereof ten new sections relating to utilities, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS** for **HCS** for **HB 2279** be adopted.

At the request of Senator Engler, **HCS** for **HB 2279**, with **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2023** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2023**.

CONFERENCE COMMITTEE REPORTS

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2023** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2023

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2023, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2023.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2023.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2023, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Gary Nodler
/s/ Robert N. Mayer
/s/ Scott T. Rupp
/s/ Joan Bray
/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Allen Icet
/s/ Ed Robb
/s/ Steven Tilley
/s/ Curt Dougherty
/s/ Rachel Storch

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Loudon	Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Lager—1

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 2023**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2023

An Act to appropriate money for planning, expenses, and for capital improvements including, but not limited to, major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Loudon	Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Lager—1

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Engler moved that **HCS** for **HB 2279**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 2279** was again taken up.

Senator Shoemyer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 3, Section 393.171, Line 17, by inserting at the end of said line the following: **“Expenses incurred by an electrical corporation in association with the payment of any such damages shall not be recoverable, in any form at any time, from the ratepayers of any such electrical corporation.”**.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Rupp assumed the Chair.

Senator Dempsey assumed the Chair.

Photographers from KRCG-TV and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

Senator Coleman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 2, Section 386.572, Line 48, by inserting after all of said line the following:

“393.108. For purposes of this section, the hot weather rule shall mean the period of time from June first to September thirtieth, in which the discontinuance of gas and electric service to all residential users, including all residential tenants of apartment buildings, for nonpayment of bills where gas or electricity is used as the source of cooling or to operate the only cooling equipment at the residence, is prohibited in the following situations:

(1) On any day when the National Weather Service local forecast between 6:00 a.m. and 9:00 p.m. for the following twenty-four hours predicts that the temperature shall rise above ninety-five degrees Fahrenheit or that the heat index shall rise above one hundred five degrees Fahrenheit;

(2) On any day when utility personnel are not available to reconnect utility service during the immediately succeeding day or days and the National Weather Service local forecast between 6:00 a.m. and 9:00 p.m. predicts that the temperature during the period of unavailability shall rise above ninety-five degrees Fahrenheit or that the heat index shall rise above one hundred five degrees Fahrenheit; and

(3) In any other applicable situations provided for in rules established and amended by the public service commission.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 9, Section 570.056, Line 4, by inserting after all of said line the following:

“Section 1. For any electric plant unlawfully constructed after August 28, 2008, in any suit or claim brought by any landowner or other legal entity for monetary damages allegedly caused by the

operation or existence of such electric plant, the measure of damages shall be treble the fair market value of the plaintiff's real estate as determined by a judge or jury, plus court costs and reasonable attorney fees.”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 3, Section 393.171, Line 19, by inserting after all of said line the following:

“393.173. 1. Any electric plant that receives permission or approval from the commission under section 393.171, prior to August 28, 2009, shall pay to the state, as consideration for such permission or approval, an amount of at least twenty-five percent of the cost reported to the commission for the construction of the electric plant and acquisition of related equipment. Any such electric plant that receives such permission or approval after August 28, 2009, shall pay to the state, as consideration for such permission or approval, an amount of at least forty percent of the cost reported to the commission for the construction of the electric plant and acquisition of related equipment.

2. The proceeds from any payments made under subsection 1 of this section shall be deposited into the “Electric Plant Post-Approval Fund” which is hereby created. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, moneys in the fund shall be used solely as specified under subsection 3 of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys collected under subsection 1 of this section or transferred under subsection 3 of this section shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. The moneys deposited into the fund shall be distributed to the department of natural resources for use as follows:

(1) Forty percent shall be transferred to the energy set-aside program fund under section 640.665, RSMo;

(2) Sixty percent shall be transferred to the Missouri renewable energy loan authority fund under section 393.1121.

4. Up to forty percent of the moneys transferred to each program under subsection 3 of this section shall be first made available through each program to persons who reside in the vicinity of any electric plant subject to the provisions of this section. Any funds that remain after the forty percent has been made available shall be offered on a statewide basis.”; and

Further amend said bill, Page 4, Section 393.275, Line 50, by inserting after all of said line the following:

“393.1121. 1. There is hereby established as a governmental instrumentality of the state of Missouri the “Missouri Renewable Energy Loan Authority”, which shall constitute a body corporate

and politic.

2. The authority shall ensure all applicants including owners of residential, commercial, industrial and agricultural property, political subdivisions, cooperatives, and utilities receive a low-interest loan for the purpose of financing renewable energy producing products or facilities or qualifying energy efficient and energy conserving appliances and products in this state. The authority shall develop a method for such applicants to apply to the authority for loans and approve disbursements of the loans. Loan applications shall be considered on a need-basis as well as according to efficiency and size of the project with priority given to recipients in the following order:

- (1) Owners of residential, commercial, and agricultural property;
- (2) Political subdivisions, including school districts; and
- (3) Utilities and cooperatives.

3. As used in this section, the following terms mean:

(1) “Applicant”, any local government, municipality, cooperative, utility, and owner of residential, commercial, and agricultural property, which submits an application for loans on financial assistance to the authority;

(2) “Authority”, the Missouri renewable energy loan authority;

(3) “Department”, the Missouri department of natural resources;

(4) “Energy efficiency project”, any project that reduces the energy use of an entity and results in a reduced cost over the life cycle of the project;

(5) “Renewable energy”, sources, including but not limited to, energy from wind, solar, thermal, photovoltaic cells and panels, animal waste and by products, dedicated crops grown for energy production, plant-based residues, fuel cells using hydrogen produced by a renewable energy source, and other renewable sources of energy as defined by rule by the department.

4. The authority shall consist of nine members appointed by the governor by and with the advice and consent of the senate. Not more than five members shall be of the same political party. One member shall be from each congressional district in Missouri if Missouri shall gain or lose a congressional district based on the 2010 census, then members may be chosen from any district with geographic diversity considered as an important factor in member selection. All members shall be residents of this state. In making appointments to the authority, the governor shall take into consideration nominees recommended to him for appointment by the department. The members of the authority first appointed by the governor shall be appointed to serve for terms of one, two, and three years, the term of each member to be designated by the governor. The successor of each member shall be appointed for a term of three years or until their successors have been appointed, but any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term. Any member shall be eligible for reappointment. The authority shall elect one of its members as chairman and another as vice chairman and shall appoint a secretary and a treasurer, which offices may be combined, and who need not be members of the authority. Five members of the authority shall constitute a quorum for the purpose of conducting business and exercising the powers of the authority. Action may be taken by the authority upon the affirmative vote of at least five of its members. Each member of the authority shall not be entitled to compensation except for their

reasonable and necessary expenses actually incurred in discharging their duties under the provisions of this section. Any member of the authority may be removed by the governor for misfeasance, malfeasance, willful neglect of duty, or other cause after notice and a public hearing unless the notice or hearing shall be expressly waived in writing.

5. There is hereby established in the state treasury a fund to be known as the “Missouri Renewable Energy Loan Authority Fund”, which shall consist of moneys appropriated annually by the general assembly and deposits from the electric plant post-approval fund under section 393.173. In addition the fund may include any gifts, contributions, grants, or bequests received from federal, state, private, or other sources. The fund shall be administered by the authority. Upon appropriation, money in the fund shall be used solely to provide low-interest loans for renewable energy projects and energy efficiency and related expenses. If any amount is used for purposes otherwise provided in this section, two hundred percent of the loan amount shall be repaid and deposited into the fund created under this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. Interest and moneys earned on the fund shall be credited to the fund.

6. The authority shall have the following powers, together with all powers incidental thereto or necessary for the performance thereof:

- (1) To have perpetual succession as a body politic and corporate;
- (2) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (3) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
- (4) To have and to use a corporate seal and to alter the same at pleasure;
- (5) To maintain an office at such place or places in the state of Missouri as it may designate;
- (6) To accept appropriations, gifts, grants, bequests, and devises and to utilize or dispose of the same to carry out its purpose;
- (7) To make and execute contracts, releases, compromises, and other instruments necessary or convenient for the exercise of its powers, or to carry out its purpose;
- (8) To collect reasonable fees and charges in connection with making and servicing its loans, notes, bonds, obligations, commitments, and other evidences of indebtedness, and in connection with providing technical, consultative and project assistant services. Such fees and charges shall be used to pay the costs of the authority;
- (9) To invest any funds not required for immediate disbursement in obligations of the state of Missouri or of the United States government or any instrumentality thereof, the principal and interest of which are guaranteed by the state of Missouri, or the United States government or any instrumentality thereof, or certificates of deposit or time deposits of federally insured banks, or federally insured savings and loan associations or of insured credit unions, or, with respect to moneys pledged or held under a trust estate or otherwise available for the owners of bonds or other forms of indebtedness, any investment authorized under the bond resolution governing the security and payment of such obligations or repurchase agreements for the specified investments;
- (10) To acquire, hold and dispose of personal property for its purposes;

(11) To enter into agreements or other transactions with any federal or state agency, any person and any domestic or foreign partnership, corporation, association or organization.

7. The authority may from time to time issue renewal notes. Renewal notes may be sold at public or private sale and the proceeds applied to the purchase, redemption, or payment of the notes to be refunded.

8. (1) The authority may set interest rates between one percent and two points below the prime interest rates.

(2) The ratio of loan to project cost and the amortization period of loans made by the authority shall be determined in accordance with regulations promulgated by the authority.

9. The renewable energy loan authority is assigned to the department. The authority shall annually file with the director of the department a report of its previous year's income, expenditures and bonds or other forms of indebtedness issued and outstanding.

10. The authority shall adopt a code of conduct which shall govern the conduct of its members and its employees. The code of conduct shall, in addition to other ethical matters, address conflict of interest issues. The authority shall also establish conflict of interest rules which require public disclosure of financial arrangements between the members and applicants for loans under this section. The authority shall promulgate rules and regulations necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Callahan offered **SSA 1** for **SA 4**:

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 4**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 3, Section 393.171, Line 19, by inserting after all of said line the following:

“393.173. 1. Any electric plant that receives permission or approval from the commission under section 393.171, prior to August 28, 2009, shall pay to the state, as consideration for such permission or approval, an amount of at least fifteen percent of the cost reported to the commission for the construction of the electric plant and acquisition of related equipment. Any such electric plant that receives such permission or approval after August 28, 2009, shall pay to the state, as consideration for such permission or approval, an amount of at least forty percent of the cost reported to the commission for the construction of the electric plant and acquisition of related equipment.

2. The proceeds from any payments made under subsection 1 of this section shall be deposited into the “Electric Plant Post-Approval Fund” which is hereby created. The state treasurer shall be

custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, moneys in the fund shall be used solely as specified under subsection 3 of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys collected under subsection 1 of this section or transferred under subsection 3 of this section shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. The moneys deposited into the fund shall be distributed to the department of natural resources for use as follows:

(1) Forty percent shall be transferred to the energy set-aside program fund under section 640.665, RSMo;

(2) Sixty percent shall be transferred to the Missouri renewable energy loan authority fund under section 393.1121.

4. Up to forty percent of the moneys transferred to each program under subsection 3 of this section shall be first made available through each program to persons who reside in the vicinity of any electric plant subject to the provisions of this section. Any funds that remain after the forty percent has been made available shall be offered on a statewide basis.”; and

Further amend said bill, Page 4, Section 393.275, Line 50, by inserting after all of said line the following:

“393.1121. 1. There is hereby established as a governmental instrumentality of the state of Missouri the “Missouri Renewable Energy Loan Authority”, which shall constitute a body corporate and politic.

2. The authority shall ensure all applicants including owners of residential, commercial, industrial and agricultural property, political subdivisions, cooperatives, and utilities receive a low-interest loan for the purpose of financing renewable energy producing products or facilities or qualifying energy efficient and energy conserving appliances and products in this state. The authority shall develop a method for such applicants to apply to the authority for loans and approve disbursements of the loans. Loan applications shall be considered on a need-basis as well as according to efficiency and size of the project with priority given to recipients in the following order:

(1) Owners of residential, commercial, and agricultural property;

(2) Political subdivisions, including school districts; and

(3) Utilities and cooperatives.

3. As used in this section, the following terms mean:

(1) “Applicant”, any local government, municipality, cooperative, utility, and owner of residential, commercial, and agricultural property, which submits an application for loans on financial assistance to the authority;

(2) “Authority”, the Missouri renewable energy loan authority;

(3) “Department”, the Missouri department of natural resources;

(4) “Energy efficiency project”, any project that reduces the energy use of an entity and results in a reduced cost over the life cycle of the project;

(5) “Renewable energy”, sources, including but not limited to, energy from wind, solar, thermal, photovoltaic cells and panels, animal waste and by products, dedicated crops grown for energy production, plant-based residues, fuel cells using hydrogen produced by a renewable energy source, and other renewable sources of energy as defined by rule by the department.

4. The authority shall consist of nine members appointed by the governor by and with the advice and consent of the senate. Not more than five members shall be of the same political party. One member shall be from each congressional district in Missouri if Missouri shall gain or lose a congressional district based on the 2010 census, then members may be chosen from any district with geographic diversity considered as an important factor in member selection. All members shall be residents of this state. In making appointments to the authority, the governor shall take into consideration nominees recommended to him for appointment by the department. The members of the authority first appointed by the governor shall be appointed to serve for terms of one, two, and three years, the term of each member to be designated by the governor. The successor of each member shall be appointed for a term of three years or until their successors have been appointed, but any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term. Any member shall be eligible for reappointment. The authority shall elect one of its members as chairman and another as vice chairman and shall appoint a secretary and a treasurer, which offices may be combined, and who need not be members of the authority. Five members of the authority shall constitute a quorum for the purpose of conducting business and exercising the powers of the authority. Action may be taken by the authority upon the affirmative vote of at least five of its members. Each member of the authority shall not be entitled to compensation except for their reasonable and necessary expenses actually incurred in discharging their duties under the provisions of this section. Any member of the authority may be removed by the governor for misfeasance, malfeasance, willful neglect of duty, or other cause after notice and a public hearing unless the notice or hearing shall be expressly waived in writing.

5. There is hereby established in the state treasury a fund to be known as the “Missouri Renewable Energy Loan Authority Fund”, which shall consist of moneys appropriated annually by the general assembly and deposits from the electric plant post-approval fund under section 393.173. In addition the fund may include any gifts, contributions, grants, or bequests received from federal, state, private, or other sources. The fund shall be administered by the authority. Upon appropriation, money in the fund shall be used solely to provide low-interest loans for renewable energy projects and energy efficiency and related expenses. If any amount is used for purposes otherwise provided in this section, two hundred percent of the loan amount shall be repaid and deposited into the fund created under this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. Interest and moneys earned on the fund shall be credited to the fund.

6. The authority shall have the following powers, together with all powers incidental thereto or necessary for the performance thereof:

- (1) To have perpetual succession as a body politic and corporate;
- (2) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(3) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

(4) To have and to use a corporate seal and to alter the same at pleasure;

(5) To maintain an office at such place or places in the state of Missouri as it may designate;

(6) To accept appropriations, gifts, grants, bequests, and devises and to utilize or dispose of the same to carry out its purpose;

(7) To make and execute contracts, releases, compromises, and other instruments necessary or convenient for the exercise of its powers, or to carry out its purpose;

(8) To collect reasonable fees and charges in connection with making and servicing its loans, notes, bonds, obligations, commitments, and other evidences of indebtedness, and in connection with providing technical, consultative and project assistant services. Such fees and charges shall be used to pay the costs of the authority;

(9) To invest any funds not required for immediate disbursement in obligations of the state of Missouri or of the United States government or any instrumentality thereof, the principal and interest of which are guaranteed by the state of Missouri, or the United States government or any instrumentality thereof, or certificates of deposit or time deposits of federally insured banks, or federally insured savings and loan associations or of insured credit unions, or, with respect to moneys pledged or held under a trust estate or otherwise available for the owners of bonds or other forms of indebtedness, any investment authorized under the bond resolution governing the security and payment of such obligations or repurchase agreements for the specified investments;

(10) To acquire, hold and dispose of personal property for its purposes;

(11) To enter into agreements or other transactions with any federal or state agency, any person and any domestic or foreign partnership, corporation, association or organization.

7. The authority may from time to time issue renewal notes. Renewal notes may be sold at public or private sale and the proceeds applied to the purchase, redemption, or payment of the notes to be refunded.

8. (1) The authority may set interest rates between one percent and two points below the prime interest rates.

(2) The ratio of loan to project cost and the amortization period of loans made by the authority shall be determined in accordance with regulations promulgated by the authority.

9. The renewable energy loan authority is assigned to the department. The authority shall annually file with the director of the department a report of its previous year's income, expenditures and bonds or other forms of indebtedness issued and outstanding.

10. The authority shall adopt a code of conduct which shall govern the conduct of its members and its employees. The code of conduct shall, in addition to other ethical matters, address conflict of interest issues. The authority shall also establish conflict of interest rules which require public disclosure of financial arrangements between the members and applicants for loans under this section. The authority shall promulgate rules and regulations necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that

is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above substitute amendment be adopted.

Senator Bray offered **SA 1** to **SSA 1** for **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 4

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 4 to Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 1, Section 393.173, Line 6, by striking the word “fifteen” and inserting in lieu thereof the following: “**twenty**”.

Senator Bray moved that the above amendment be adopted, which motion failed.

SSA 1 for **SA 4** was again taken up.

Senator Callahan moved that the above substitute amendment be adopted, which motion failed.

SA 4 was again taken up.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Crowell, Graham and Engler.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Graham	Justus	Kennedy	Smith	Wilson—7
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NAYS—Senators

Barnitz	Champion	Clemens	Crowell	Dempsey	Engler	Gibbons	Goodman
Green	Griesheimer	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Ridgeway	Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel—23	

Absent—Senators

Bartle	Days—2
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Absent with leave—Senators

Coleman	Purgason—2
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Vacancies—None

Senator Smith offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page

9, Section 570.056, Line 4, by inserting after all of said line the following:

“Section 1. The owner of any electric plant that receives permission or approval from the commission under section 393.171, RSMo, shall pay to the state an amount of five hundred thousand dollars, which shall be deposited into the green school grant fund under section 2. At no time shall the cost incurred by an electrical corporation in association with the payment under this section be recoverable, in any form at any time, from the ratepayers of any such electrical corporation.

Section 2. 1. Subject to appropriation from the green school grant fund created under this section, the department of elementary and secondary education shall provide grants after July 1, 2009, to assist local public school districts obtain LEED certification for new construction or substantial renovation of public school buildings. For purposes of this section, “LEED certification” shall mean any certification issued by the United States Green Building Council under the Leadership in Energy and Environmental Design Green Building Rating System.

2. The department shall promulgate rules by July 1, 2009, for the green school grants authorized under this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

3. The cumulative total of all grants under this section awarded per fiscal year shall not exceed five hundred thousand dollars.”

4. The “Green School Grant Fund” is hereby created. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, moneys in the fund shall be used solely to provide grants under the provisions of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys collected under section 1 shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Green, Justus and Shoemyer.

SA 5 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Days	Graham	Green	Justus	Kennedy	Koster
McKenna	Shoemyer	Smith	Wilson—12				

NAYS—Senators

Barnitz	Bartle	Champion	Clemens	Crowell	Dempsey	Gibbons	Goodman
Griesheimer	Lager	Loudon	Mayer	Nodler	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—19					

Absent—Senator Engler—1

Absent with leave—Senators

Coleman Purgason—2

Vacancies—None

Senator Nodler assumed the Chair.

Senator Bray offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 2, Section 386.572, Line 48, by inserting after all of said line the following:

“393.170. 1. No gas corporation, electrical corporation, water corporation or sewer corporation shall begin construction of a gas plant, electric plant, water system or sewer system without first having obtained the permission and approval of the commission.

2. No such corporation shall exercise any right or privilege under any franchise hereafter granted, or under any franchise heretofore granted but not heretofore actually exercised, or the exercise of which shall have been suspended for more than one year, without first having obtained the permission and approval of the commission. Before such certificate shall be issued a certified copy of the charter of such corporation shall be filed in the office of the commission, together with a verified statement of the president and secretary of the corporation, showing that it has received the required consent of the proper municipal authorities.

3. The commission shall have the power to grant the permission and approval herein specified whenever it shall after due hearing determine that such construction or such exercise of the right, privilege or franchise is necessary or convenient for the public service. The commission may by its order impose such condition or conditions as it may deem reasonable and necessary. Unless exercised within a period of two years from the grant thereof, authority conferred by such certificate of convenience and necessity issued by the commission shall be null and void.

4. Prior to the application for permission and approval that is required under subsection 1 of this section, all corporations shall first confer with the city or county government where the proposed certificate is located, and if said city or county has zoning regulations, the corporation shall procure a certificate from said city or county government that shows compliance with the existing zoning requirements of said city or county and this certificate shall be presented to the commission. If there is no zoning in place for the city or county, then no certificate is required. If the certificate from the city or county is not presented to the commission prior to the beginning of construction, the commission shall not grant the permission and approval under this section.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 4, Section 393.275, Line 28, by striking the following: “and such purchased gas” and inserting in lieu

thereof a period “.”; and further amend lines 29-50 by striking all of said lines and inserting in lieu thereof the following:

“3. The commission shall study the benefits and detriments of including the gas cost portion of net write-offs in purchased gas adjustment rates and submit a report of its findings to the general assembly by December 31, 2008.”.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer assumed the Chair.

Senator Smith offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 9, Section 570.056, Line 4, by inserting after all of said line the following:

“Section 1. The owner of any electric plant that receives permission or approval from the commission under section 393.171, RSMo, shall pay to the state, as consideration for such permission or approval, an amount of five hundred thousand dollars, which shall be deposited into the utilicare stabilization fund created in section 660.136, RSMo. At no time shall the cost incurred by an electrical corporation in association with the payment under this section be recoverable, in any form at any time, from the ratepayers of any such electrical corporation.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted.

Senator Callahan requested a roll call vote be taken and was joined in his request by Senators Days, Justus, Koster and Smith.

SA 8 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Days	Graham	Green	Justus	Kennedy
Koster	Mayer	McKenna	Shoemyer	Smith	Wilson—14		

NAYS—Senators

Bartle	Clemens	Dempsey	Engler	Gibbons	Goodman	Griesheimer	Lager
Loudon	Nodler	Ridgeway	Rupp	Scott	Shields	Stouffer	Vogel—16

Absent—Senators

Champion	Crowell—2
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Absent with leave—Senators

Coleman	Purgason—2
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Vacancies—None

Senator Engler moved that **SCS** for **HCS** for **HB 2279**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **HCS** for **HB 2279**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Green	Griesheimer	Koster	Lager
Mayer	McKenna	Nodler	Ridgeway	Scott	Shields	Shoemyer	Stouffer
Vogel	Wilson—26						

NAYS—Senators

Graham	Justus	Kennedy	Loudon	Smith—5
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Absent—Senator Rupp—1

Absent with leave—Senators

Coleman	Purgason—2
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Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 48**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VIII of the Constitution of Missouri, and adopting one new section relating to voter identification.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SB 1068**, as amended. Representatives: Sater, Cooper 155, Schaff, Curls and Swinger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS**

for **SB 1074**, as amended. Representatives: Smith (14), Schoeller, Muschany, Burnett and Vogt.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SS** for **SCS** for **HB 2224**. Representatives: Schneider, Jones (117), Parson, Roorda and Hubbard.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 1074**, as amended: Senators Dempsey, Rupp, Ridgeway, Shoemyer and Coleman.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SB 1068**, with **HA 1** and **HA 3**: Senators Mayer, Engler, Lager, Shoemyer and Kennedy.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 1099** and **SS No. 2** for **SCS** for **SBs 1021** and **870**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 2681, regarding Deven Michael Halcomb, which was adopted.

Senator Kennedy offered Senate Resolution No. 2682, regarding the Ninetieth Birthday of Helen M. Leiendecker, Hillsboro, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Green introduced to the Senate, Dr. Ty McNichols, Linda Delaney, Tonya Jackson, Darren Pelot, adults and seventy-four fourth grade students from Jamestown Elementary School, Florissant; and Kayla McNutt, Simone Simms and Jazmin Harvey were made honorary pages.

Senator Dempsey introduced to the Senate, fourth grade students from St. Cletus School, St. Charles.

Senator Ridgeway introduced to the Senate, twenty-six eighth grade students from Life Christian Academy, Kansas City.

Senator Bartle introduced to the Senate, students from Hawthorn Hill Elementary School, Lee's Summit.

Senator Mayer introduced to the Senate, fifth grade students from Advance Elementary School.

On motion of Senator Shields, the Senate adjourned until 10:00 a.m., Monday, May 12, 2008.

SENATE CALENDAR

 SIXTY-SIXTH DAY—MONDAY, MAY 12, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HJR 48

THIRD READING OF SENATE BILLS

 SS for SCS for SB 898-Clemens
 (In Fiscal Oversight)

 SB 1099-Graham
 SS#2 for SCS for SBs 1021 & 870-Loudon

HOUSE BILLS ON THIRD READING

- | | |
|---|--|
| 1. HCS for HBs 1595 & 1668 (Mayer)
(In Fiscal Oversight) | 7. HCS for HJR 43, with SCS (Gibbons) |
| 2. HB 2191-Nasheed, et al, with SCS
(Coleman) (In Fiscal Oversight) | 8. HB 1995-Schieffer, et al (Rupp) |
| 3. HCS for HBs 1321 & 1695, with SCS
(Gibbons) (In Fiscal Oversight) | 9. HB 1716-Guest, et al (Purgason) |
| 4. HB 1832-Cooper (120), et al, with SCS
(Griesheimer) | 10. HCS for HBs 1831 & 1472 (Mayer)
(In Fiscal Oversight) |
| 5. HCS for HB 2058, with SCS (Kennedy)
(In Fiscal Oversight) | 11. HCS#2 for HB 1423, with SCS (Goodman) |
| 6. HCS for HB 1700, with SCS (Scott)
(In Fiscal Oversight) | 12. HCS for HB 1626 (Ridgeway) |
| | 13. HCS for HBs 1788 & 1882 (Crowell)
(In Fiscal Oversight) |
| | 14. HCS for HB 1314, with SCS (Callahan) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

 SBs 712 & 882-Gibbons and Rupp, with SCS
 SB 713-Gibbons, with SCS
 SB 716-Loudon, et al
 SB 717-Kennedy and Shields
 SB 729-Griesheimer, with SCS
 SB 749-Ridgeway, with SCS
 SB 756-Engler and Rupp, with SCS (pending)

 SB 776-Justus and Koster, with SCS
 SB 809-Stouffer, with SCS, SS for SCS & SA 1
 (pending)
 SB 811-Stouffer, with SCS, SA 1 & point of
 order (pending)
 SB 815-Goodman
 SB 821-Shoemyer, with SCS (pending)

SBs 840 & 857-Engler, with SCS & SS for SCS
 (pending)
 SB 861-Shoemyer, with SCS
 SB 874-Graham, with SCS
 SB 877-Mayer
 SB 881-Green
 SB 904-Griesheimer, with SCS
 SBs 909, 954, 934 & 1003-Engler, with SCS
 SB 915-Ridgeway
 SB 917-Goodman, et al
 SB 929-Green and Callahan, with SCS
 SB 957-Goodman
 SBs 982, 834 & 819-Purgason, with SCS
 SB 990-Champion
 SBs 993 & 770-Crowell, with SCS, SS for
 SCS, SA 4 & SSA 1 for SA 4 (pending)
 SB 996-Crowell, with SCS
 SB 997-Crowell
 SB 1000-Justus
 SB 1007-Loudon, with SA 2 (pending)
 SB 1035-Scott, with SCS
 SB 1046-Mayer, with SA 1 & SSA 1 for SA 1
 (pending)
 SB 1052-Rupp

SB 1054-Dempsey, with SCS
 SB 1057-Scott, with SCS
 SB 1058-Mayer
 SB 1067-Ridgeway, et al
 SB 1077-Goodman, with SS (pending)
 SB 1093-Loudon, et al
 SB 1094-Loudon, with SCS
 SB 1101-Bray, et al
 SB 1103-Gibbons
 SB 1138-McKenna, with SCS
 SB 1158-Mayer, with SCS
 SB 1164-Loudon
 SB 1180-Crowell
 SB 1183-Bray, with SCS
 SB 1194-Goodman
 SB 1197-Crowell
 SBs 1234 & 1270-Shields, with SCS & SS#2
 for SCS (pending)
 SB 1240-Dempsey
 SB 1244-Barnitz and Purgason
 SB 1275-Vogel
 SB 1278-Shields
 SJR 43-Loudon

HOUSE BILLS ON THIRD READING

HCS for HB 1341 (Nodler)
 HB 1358-Flook, et al (Ridgeway)
 HCS for HB 1393 (Ridgeway)
 HCS#2 for HB 1463, with SCS
 HCS for HB 1474, with SCS (Scott)
 HCS for HB 1516, with SCS (Goodman)
 HB 1532-Davis, with SCS (Rupp)
 HCS for HBs 1549, 1771, 1395 & 2366 (Rupp)
 HCS for HB 1550 (Dempsey)
 HB 1617-Cunningham (86), et al (Dempsey)
 HB 1656-Nance and Cooper (155), with SCS
 (Stouffer)
 HB 1661-LeVota, et al (Ridgeway)
 HB 1711-Weter, et al, with SCS, SS#2 for SCS
 & SA 10 (pending) (Clemens)
 HCS for HB 1722, with SCS (Mayer)

HCS for HB 1763 (Engler)
 HCS for HB 1790, HB 1805 & HCS for
 HB 1546, with SCS (Shields)
 HCS for HBs 1876 & 1877, with SCS (Mayer)
 HCS for HB 1904, with SCS (Goodman)
 HB 1923-Jones (117) and Pratt (Barnitz)
 HB 1937-Pearce, et al, with SCS (Scott)
 HB 1973-Franz, with SCS (Engler)
 HB 1983-Pratt, with SCS (Goodman)
 HCS for HB 2041, with SCS (Scott)
 HCS for HB 2068 (Scott)
 HB 2081-Dougherty, with SCS (pending)
 (Callahan)
 HCS for HB 2104, HB 1574, HB 1706,
 HCS for HB 1774, HB 2055 & HCS
 for HB 2056, with SCS (Crowell)

HB 2226-Muschany (Rupp)

HCS for HJR 55 (Crowell)

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)

HB 1670-Cooper (120) (Dempsey)

HB 1828-Sutherland (Vogel)

HCS for HB 1804, with SCS (Days)

HB 2047-Curls, et al, with SCS (Callahan)

HB 1410-Flook, et al (Ridgeway)

HCS for HB 1888 (Clemens)

HB 1368-Thomson (Lager)

HCS for HB 1807, with SCS (Mayer)

HB 1869-Wilson (130), et al (Goodman)

HCS for HB 2048, with SCS (Engler)

HB 2213-Kraus, et al (Shields)

HB 1422-St. Onge, et al, with SCS (Stouffer)

HB 1354-Wilson (119), et al (Scott)

HCS for HB 1575 (Vogel)

HB 1952-Loehner, et al (Barnitz)

HB 1887-Parson (Scott)

HCS for HB 2360 (Lager)

HB 1311-Hoskins, with SCS (Engler)

HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin (Ridgeway)

HB 2065-Wasson, with SCS (Scott)

HB 1450-Roord, et al, with SCS (McKenna)

HB 2233-Page, et al (Shields)

HB 1419-Portwood (Loudon)

HB 1791-Cooper (155), et al (Barnitz)

HB 1689-Wilson (130), with SCS (Scott)

HCS for HB 1690, with SCS (Scott)

Reported 4/15

HCS for HB 1380 (Goodman)

HCS for HB 2036 (Stouffer)

HB 1946-Franz, with SCS (Champion)

HB 1849-Pratt and Curls (Justus)

HB 1640-Schoeller, et al, with SCS (Goodman)

HB 1570-Franz, with SCS (Champion)

HB 1469-Pratt (Goodman)

HB 1710-Flook (Ridgeway)

HCS for HB 1783 (Engler)

HB 1784-Meadows, et al (McKenna)

HB 1313-Wright, et al (Mayer)

HCS for HB 1893 (Dempsey)

HB 1881-Schlottach (Kennedy)

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SCS for SB 724-Scott, et al, with HCS,
as amended
(Senate adopted CCR and passed CCS)
SB 841-Stouffer, with HCS, as amended

SS for SCS for SB 931-Purgason, with
HCS, as amended
(Senate adopted CCR and passed CCS)
SB 1068-Mayer, with HA 1 & HA 3

SB 1074-Dempsey, with HCS, as amended

HB 2224-Jones (117), with SS for SCS
(Griesheimer)

RESOLUTIONS

Reported from Committee

SCR 27-Champion
SCR 32-Purgason
SCR 33-Bray

HCR 7-Pearce, et al (Rupp)
HCR 23-Dixon, et al, with SCA 1 (Loudon)

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Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SIXTH DAY—MONDAY, MAY 12, 2008

The Senate met pursuant to adjournment.

President Pro Tem Gibbons in the Chair.

HOUSE BILLS ON SECOND READING

The following Joint Resolution was read the 2nd time and referred to the Committee indicated:

HCS for HJR 48—Financial and Governmental Organizations and Elections.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 1288**, entitled:

An Act to repeal sections 105.473 and 130.032, RSMo, and to enact in lieu thereof three new sections relating to ethics, with an emergency clause for a certain section.

With House Amendment No. 1, House Amendment No. 2 to House Amendment No. 2, House Amendment No. 3 to House Amendment No. 2, House Amendment No. 2, as amended, and House Amendment No. 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 1288, Section 130.032, Pages 5 through 7, Lines 1 through 73 by removing all of said Section from the bill; and

Further amend said bill, Section 130.032, Page 7, Line 73 by inserting after all of said Section the following:

“Section 1. Any committee which is unable to return a nonallowable contribution to a contributor because the contributor:

(1) Cannot be located following a reasonable attempt to locate the contributor;

(2) Returns the nonallowable contribution or otherwise refuses acceptance of the nonallowable contribution; or

(3) Is a committee which has terminated;

may transfer the nonallowable contribution to the director of revenue for deposit to the general revenue of the state, or may make an unconditional gift which is fully vested to any charitable, fraternal, or civic organization or association formed to provide for some good in the order of benevolence as set forth in subdivision (7) of subsection 2 of section 130.034.”; and

Further amend said bill, Section B by removing all of said Section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Bill No. 1288, Page 10, Line 9 by inserting after all of said Line the following:

“and Further amend said bill, Section 130.032, Page 7, Line 73 by inserting after all of said Section the following:

Section 1. Notwithstanding the provisions of section 105.955, RSMo, beginning August 28, 2008, there shall be no term limits on the executive director of the Missouri Ethics Commission.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Bill No. 1288, Page 10, Line 9, by inserting after said line the following:

“Further amend said bill by inserting in the proper place the following:

“Further amend said bill, Section 105.459, Page 2, Line 38, by deleting the words, “**ethics commission**” and inserting in lieu thereof the words, “**commission on political finance**”; and

Further amend said bill, Page 7, Section 130.032, Line 73, by inserting after all of said line the following:

“Section 1. Beginning August 28, 2008 the Missouri ethics commission shall be known as Missouri commission on political finance. The revisor of statutes shall change all occurrences in the statutes to reflect the name change.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 1288, Section 105.473, Page 5, by inserting after all of said Section and Line the following:

“130.011. As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:

(1) “Appropriate officer” or “appropriate officers”, the person or persons designated in section 130.026 to receive certain required statements and reports;

(2) “Ballot measure” or “measure”, any proposal submitted or intended to be submitted to qualified voters for their approval or rejection, including any proposal submitted by initiative petition, referendum petition, or by the general assembly or any local governmental body having authority to refer proposals to the voter;

(3) “Candidate”, an individual who seeks nomination or election to public office. The term “candidate” includes an elected officeholder who is the subject of a recall election, an individual who seeks nomination by the individual's political party for election to public office, an individual standing for retention in an election to an office to which the individual was previously appointed, an individual who seeks nomination or election whether or not the specific elective public office to be sought has been finally determined by such individual at the time the individual meets the conditions described in paragraph (a) or (b) of this subdivision, and an individual who is a write-in candidate as defined in subdivision (28) of this section. A candidate shall be deemed to seek nomination or election when the person first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the person's candidacy for office; or

(b) Knows or has reason to know that contributions are being received or expenditures are being made or space or facilities are being reserved with the intent to promote the person's candidacy for office; except that, such individual shall not be deemed a candidate if the person files a statement with the appropriate officer within five days after learning of the receipt of contributions, the making of expenditures, or the reservation of space or facilities disavowing the candidacy and stating that the person will not accept nomination or take office if elected; provided that, if the election at which such individual is supported as a candidate is to take place within five days after the person's learning of the above-specified activities, the individual shall file the statement disavowing the candidacy within one day; or

(c) Announces or files a declaration of candidacy for office;

(4) “Cash”, currency, coin, United States postage stamps, or any negotiable instrument which can be transferred from one person to another person without the signature or endorsement of the transferor;

(5) “Check”, a check drawn on a state or federal bank, or a draft on a negotiable order of withdrawal account in a savings and loan association or a share draft account in a credit union;

(6) “Closing date”, the date through which a statement or report is required to be complete;

(7) “Committee”, a person or any combination of persons, who accepts contributions or makes expenditures for the [primary or incidental] purpose of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee or for the purpose of contributing funds to another committee:

(a) “Committee”, does not include:

a. A person or combination of persons, if neither the aggregate of expenditures made nor the aggregate of contributions received during a calendar year exceeds five hundred dollars and if no single contributor has contributed more than two hundred fifty dollars of such aggregate contributions;

b. An individual, other than a candidate, who accepts no contributions and who deals only with the individual's own funds or property;

[c. A corporation, cooperative association, partnership, proprietorship, or joint venture organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure, and it accepts no contributions, and all expenditures it makes are from its own funds or property obtained in the usual course of business or in any commercial or other transaction and which are not contributions as defined by subdivision (12) of this section;]

d. A labor organization organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates, or the qualification, passage, or defeat of any ballot measure, and it accepts no contributions, and expenditures made by the organization are from its own funds or property received from membership dues or membership fees which were given or solicited for the purpose of supporting the normal and usual activities and functions of the organization and which are not contributions as defined by subdivision (12) of this section;

e. A person who acts as an authorized agent for a committee in soliciting or receiving contributions or in making expenditures or incurring indebtedness on behalf of the committee if such person renders to the committee treasurer or deputy treasurer or candidate, if applicable, an accurate account of each receipt or other transaction in the detail required by the treasurer to comply with all record-keeping and reporting requirements of this chapter;

f. Any department, agency, board, institution or other entity of the state or any of its subdivisions or any officer or employee thereof, acting in the person's official capacity;

(b) The term "committee" includes, but is not limited to, each of the following committees: campaign committee, candidate committee, continuing committee and political party committee;

(8) "Campaign committee", a committee, other than a candidate committee, which shall be formed by an individual or group of individuals to receive contributions or make expenditures and whose sole purpose is to support or oppose the qualification and passage of one or more particular ballot measures in an election or the retention of judges under the nonpartisan court plan, such committee shall be formed no later than thirty days prior to the election for which the committee receives contributions or makes expenditures, and which shall terminate the later of either thirty days after the general election or upon the satisfaction of all committee debt after the general election, except that no committee retiring debt shall engage in any other activities in support of a measure for which the committee was formed;

(9) "Candidate committee", a committee which shall be formed by a candidate to receive contributions or make expenditures in behalf of the person's candidacy and which shall continue in existence for use by an elected candidate or which shall terminate the later of either thirty days after the general election for a candidate who was not elected or upon the satisfaction of all committee debt after the election, except that no committee retiring debt shall engage in any other activities in support of the candidate for which the committee was formed. Any candidate for elective office shall have only one candidate committee for the elective office sought, which is controlled directly by the candidate for the purpose of making expenditures. A candidate committee is presumed to be under the control and direction of the candidate unless the candidate files an affidavit with the appropriate officer stating that the committee is acting without control or direction on the candidate's part;

(10) “Continuing committee”, a committee of continuing existence which is not formed, controlled or directed by a candidate, and is a committee other than a candidate committee or campaign committee, whose primary or incidental purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters whether or not a particular candidate or candidates or a particular ballot measure or measures to be supported or opposed has been determined at the time the committee is required to file any statement or report pursuant to the provisions of this chapter. “Continuing committee” includes, but is not limited to, any committee organized or sponsored by a business entity, a labor organization, a professional association, a trade or business association, a club or other organization and whose primary purpose is to solicit, accept and use contributions from the members, employees or stockholders of such entity and any individual or group of individuals who accept and use contributions to influence or attempt to influence the action of voters. Such committee shall be formed no later than sixty days prior to the election for which the committee receives contributions or makes expenditures;

(11) “Connected organization”, any organization such as a corporation, a labor organization, a membership organization, a cooperative, or trade or professional association which expends funds or provides services or facilities to establish, administer or maintain a committee or to solicit contributions to a committee from its members, officers, directors, employees or security holders. An organization shall be deemed to be the connected organization if more than fifty percent of the persons making contributions to the committee during the current calendar year are members, officers, directors, employees or security holders of such organization or their spouses;

(12) “Contribution”, a payment, gift, loan, advance, deposit, or donation of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification, passage or defeat of any ballot measure, or for the support of any committee supporting or opposing candidates or ballot measures or for paying debts or obligations of any candidate or committee previously incurred for the above purposes. A contribution of anything of value shall be deemed to have a money value equivalent to the fair market value. “Contribution” includes, but is not limited to:

(a) A candidate's own money or property used in support of the person's candidacy other than expense of the candidate's food, lodging, travel, and payment of any fee necessary to the filing for public office;

(b) Payment by any person, other than a candidate or committee, to compensate another person for services rendered to that candidate or committee;

(c) Receipts from the sale of goods and services, including the sale of advertising space in a brochure, booklet, program or pamphlet of a candidate or committee and the sale of tickets or political merchandise;

(d) Receipts from fund-raising events including testimonial affairs;

(e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt or other obligation by a third party, or payment of a loan or debt or other obligation by a third party if the loan or debt or other obligation was contracted, used, or intended, in whole or in part, for use in an election campaign or used or intended for the payment of such debts or obligations of a candidate or committee previously incurred, or which was made or received by a committee;

(f) Funds received by a committee which are transferred to such committee from another committee or other source, except funds received by a candidate committee as a transfer of funds from another candidate committee controlled by the same candidate but such transfer shall be included in the disclosure reports;

(g) Facilities, office space or equipment supplied by any person to a candidate or committee without

charge or at reduced charges, except gratuitous space for meeting purposes which is made available regularly to the public, including other candidates or committees, on an equal basis for similar purposes on the same conditions;

(h) The direct or indirect payment by any person, other than a connected organization, of the costs of establishing, administering, or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee;

(i) “Contribution” does not include:

a. Ordinary home hospitality or services provided without compensation by individuals volunteering their time in support of or in opposition to a candidate, committee or ballot measure, nor the necessary and ordinary personal expenses of such volunteers incidental to the performance of voluntary activities, so long as no compensation is directly or indirectly asked or given;

b. An offer or tender of a contribution which is expressly and unconditionally rejected and returned to the donor within ten business days after receipt or transmitted to the state treasurer;

c. Interest earned on deposit of committee funds;

d. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

(13) “County”, any one of the several counties of this state or the city of St. Louis;

(14) “Disclosure report”, an itemized report of receipts, expenditures and incurred indebtedness which is prepared on forms approved by the Missouri ethics commission and filed at the times and places prescribed;

(15) “Election”, any primary, general or special election held to nominate or elect an individual to public office, to retain or recall an elected officeholder or to submit a ballot measure to the voters, and any caucus or other meeting of a political party or a political party committee at which that party's candidate or candidates for public office are officially selected. A primary election and the succeeding general election shall be considered separate elections;

(16) “Expenditure”, a payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee; a payment, or an agreement or promise to pay, money or anything of value, including a candidate's own money or property, for the purchase of goods, services, property, facilities or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee. An expenditure of anything of value shall be deemed to have a money value equivalent to the fair market value.

“Expenditure” includes, but is not limited to:

(a) Payment by anyone other than a committee for services of another person rendered to such committee;

(b) The purchase of tickets, goods, services or political merchandise in connection with any testimonial affair or fund-raising event of or for candidates or committees, or the purchase of advertising in a brochure, booklet, program or pamphlet of a candidate or committee;

(c) The transfer of funds by one committee to another committee;

(d) The direct or indirect payment by any person, other than a connected organization for a committee, of the costs of establishing, administering or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee; but

(e) "Expenditure" does not include:

a. Any news story, commentary or editorial which is broadcast or published by any broadcasting station, newspaper, magazine or other periodical without charge to the candidate or to any person supporting or opposing a candidate or ballot measure;

b. The internal dissemination by any membership organization, proprietorship, labor organization, corporation, association or other entity of information advocating the election or defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to its directors, officers, members, employees or security holders, provided that the cost incurred is reported pursuant to subsection 2 of section 130.051;

c. Repayment of a loan, but such repayment shall be indicated in required reports;

d. The rendering of voluntary personal services by an individual of the sort commonly performed by volunteer campaign workers and the payment by such individual of the individual's necessary and ordinary personal expenses incidental to such volunteer activity, provided no compensation is, directly or indirectly, asked or given;

e. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

f. The use of a candidate's own money or property for expense of the candidate's personal food, lodging, travel, and payment of any fee necessary to the filing for public office, if such expense is not reimbursed to the candidate from any source;

(17) "Exploratory committees", a committee which shall be formed by an individual to receive contributions and make expenditures on behalf of this individual in determining whether or not the individual seeks elective office. Such committee shall terminate no later than December thirty-first of the year prior to the general election for the possible office;

(18) "Fund-raising event", an event such as a dinner, luncheon, reception, coffee, testimonial, rally, auction or similar affair through which contributions are solicited or received by such means as the purchase of tickets, payment of attendance fees, donations for prizes or through the purchase of goods, services or political merchandise;

(19) "In-kind contribution" or "in-kind expenditure", a contribution or expenditure in a form other than

money;

(20) “Labor organization”, any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;

(21) “Loan”, a transfer of money, property or anything of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part and which was contracted, used, or intended for use in an election campaign, or which was made or received by a committee or which was contracted, used, or intended to pay previously incurred campaign debts or obligations of a candidate or the debts or obligations of a committee;

(22) “Person”, an individual, group of individuals, corporation, partnership, committee, proprietorship, joint venture, any department, agency, board, institution or other entity of the state or any of its political subdivisions, union, labor organization, trade or professional or business association, association, political party or any executive committee thereof, or any other club or organization however constituted or any officer or employee of such entity acting in the person's official capacity;

(23) “Political merchandise”, goods such as bumper stickers, pins, hats, ties, jewelry, literature, or other items sold or distributed at a fund-raising event or to the general public for publicity or for the purpose of raising funds to be used in supporting or opposing a candidate for nomination or election or in supporting or opposing the qualification, passage or defeat of a ballot measure;

(24) “Political party”, a political party which has the right under law to have the names of its candidates listed on the ballot in a general election;

(25) “Political party committee”, a state, district, county, city, or area committee of a political party, as defined in section 115.603, RSMo, which may be organized as a not-for-profit corporation under Missouri law, and which committee is of continuing existence, and has the primary or incidental purpose of receiving contributions and making expenditures to influence or attempt to influence the action of voters on behalf of the political party;

(26) “Public office” or “office”, any state, judicial, county, municipal, school or other district, ward, township, or other political subdivision office or any political party office which is filled by a vote of registered voters;

(27) “Regular session”, includes that period beginning on the first Wednesday after the first Monday in January and ending following the first Friday after the second Monday in May;

(28) “Write-in candidate”, an individual whose name is not printed on the ballot but who otherwise meets the definition of candidate in subdivision (3) of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 1288, Section 130.032, Page 7, Line 73 by inserting after all of said Section and Line the following:

“Section 1. The Missouri Ethics Commission shall, in those instances that reasonably require the assistance of outside legal services, employ the services of an independent attorney who is not a

member of the Office of the Attorney General. This requirement shall apply to all cases involving the implementation and litigation of laws or rules under the jurisdiction of the commission.”

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1139**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 768**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 724**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 724**.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS** for **HBs 2062** and **1518**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

REFERRALS

President Pro Tem Gibbons referred **SS No. 2** for **SCS** for **SBs 1021** and **870** and **HCS** for **HBs 2062** and **1518**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Gibbons, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Lager.

Reverend Carl Gauck offered the following prayer:

“It is not how much you do, but how much Love you put into the doing that matters.” (Mother Teresa)

Gracious Father, we thank You for bringing us safely here to the work You have called us to do. We realize that as we begin our final week of this session with much to do it feels that time is being compressed with less and less of it available to do all we must, so we pray bless us with patience and guidance that our efforts to work together come together. And may all we do come from our love of doing what we do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, May 8, 2008 was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 2683, regarding Benjamin Speed, Saint Louis, which was adopted.

Senator Bray offered Senate Resolution No. 2684, regarding Varun Chakravarthy, Clayton, which was adopted.

Senator Kennedy offered Senate Resolution No. 2685, regarding Erik J. Carretero, which was adopted.

Senator Nodler offered Senate Resolution No. 2686, regarding the Center for Community Studies at Drury University, Springfield, which was adopted.

Senator Dempsey offered Senate Resolution No. 2687, regarding Andrea Cosgrove, which was adopted.

Senator Dempsey offered Senate Resolution No. 2688, regarding Dale Poslosky and Mitch Stern, which was adopted.

Senator Graham offered Senate Resolution No. 2689, regarding Gary Robb, Bloomington, Indiana, which was adopted.

Senator Engler offered Senate Resolution No. 2690, regarding Staff Sergeant Trevor Spink, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 2691, regarding Staff Sergeant Bradley J. Skelton, Gordonville, which was adopted.

Senator Engler offered Senate Resolution No. 2692, regarding Staff Sergeant Michael Deason, Desloge, which was adopted.

Senator Engler offered Senate Resolution No. 2693, regarding Specialist Ernest W. Dallas, Jr., Desloge,

which was adopted.

Senator Engler offered Senate Resolution No. 2694, regarding Specialist Matthew F. Straughter, Saint Charles, which was adopted.

Senator Engler offered Senate Resolution No. 2695, regarding Jessica Lee Weiss, Belleview, which was adopted.

Senator Engler offered Senate Resolution No. 2696, regarding Vanna Faye Barton, Belleview, which was adopted.

Senator McKenna offered Senate Resolution No. 2697, regarding Ryan D. Cooper, Hillsboro, which was adopted.

Senator Rupp offered Senate Resolution No. 2698, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Salvatore Amato, O'Fallon, which was adopted.

Senator Rupp offered Senate Resolution No. 2699, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joe Carroll, Cottleville, which was adopted.

Senator Clemens offered Senate Resolution No. 2700, regarding Jena Thompson, Columbia, which was adopted.

Senator Crowell offered Senate Resolution No. 2701, regarding Harlan G. Sadler, which was adopted.

Senator Scott offered Senate Resolution No. 2702, regarding the Skyline High School FFA program, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
May 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment to office submitted to you on April 28, 2008, for your advice and consent:

Timothy W. Bonno, 202 Hollytree Court, Ballwin, Saint Louis County, Missouri 63021, as a member of the Seismic Safety Commission, for a term ending July 1, 2008, and until his successor is duly appointed and qualified; vice, Michael Marx, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
May 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment to office submitted to you on February 19, 2008, for your advice and consent:

Donna M. Bushur, 7444 Lydia Avenue, Kansas City, Jackson County, Missouri 64131, as a member of the Child Abuse and Neglect

Review Board, for a term ending April 7, 2008, and until her successor is duly appointed and qualified; vice, Donna M. Bushur, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

May 9, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment to office submitted to you on April 24, 2008, for your advice and consent:

Clyde L. Williams, Democrat, 522 E. Eastwood, Marshall, Saline County, Missouri 65340, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2012, and until his successor is duly appointed and qualified; vice, Susan Pentlin, term expired.

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons requested unanimous consent of the Senate to vote on the above withdrawals in one motion. There being no objection, the request was granted.

President Pro Tem Gibbons moved that the above appointments be returned to the Governor per his request, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 1804**, with **SCS**, entitled:

An Act to repeal section 82.020, RSMo, and to enact in lieu thereof one new section relating to home-rule cities, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Days.

SCS for **HCS** for **HB 1804**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1804

An Act to repeal sections 82.020 and 313.820, RSMo, and to enact in lieu thereof three new sections relating to cities, with an emergency clause for a certain section.

Was taken up.

Senator Days moved that **SCS** for **HCS** for **HB 1804** be adopted.

Senator Griesheimer requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Griesheimer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1804, Page 1, Section 77.105, Line 2, by inserting after “ordinance” the following: “, **motion**,”.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Days moved that **SCS** for **HCS** for **HB 1804**, as amended, be adopted, which motion prevailed.

On motion of Senator Days, **SCS** for **HCS** for **HB 1804**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Nodler—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Nodler—1

Vacancies—None

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 2047, with **SCS**, introduced by Representative Curls, et al, entitled:

An Act to repeal section 88.917, RSMo, and to enact in lieu thereof one new section relating to street grading in cities.

Was called from the Consent Calendar and taken up by Senator Callahan.

SCS for **HB 2047**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2047

An Act to repeal sections 88.917 and 231.444, RSMo, and to enact in lieu thereof two new sections relating to maintenance of roadways.

Was taken up.

Senator Callahan moved that **SCS** for **HB 2047** be adopted, which motion prevailed.

On motion of Senator Callahan, **SCS** for **HB 2047** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Purgason	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senator Ridgeway—1

Absent—Senator Champion—1

Absent with leave—Senator Nodler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Callahan, title to the bill was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.

Senator Clemens moved that motion lay on the table, which motion prevailed.

HCS for **HB 1807**, with **SCS**, entitled:

An Act to repeal sections 162.675, 162.730, 162.740, 162.755, 162.780, 162.785, 162.810, and 168.520, RSMo, and to enact in lieu thereof eight new sections relating to Missouri schools for the severely disabled.

Was called from the Consent Calendar and taken up by Senator Mayer.

SCS for **HCS** for **HB 1807**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1807

An Act to repeal sections 162.675, 162.730, 162.740, 162.755, 162.780, 162.785, 162.810, and 168.520, RSMo, and to enact in lieu thereof eight new sections relating to Missouri schools for the severely disabled, with penalty provisions.

Was taken up.

Senator Mayer moved that **SCS** for **HCS** for **HB 1807** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **HCS** for **HB 1807** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Nodler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 2048**, with **SCS**, entitled:

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to college textbooks.

Was called from the Consent Calendar and taken up by Senator Engler.

SCS for **HCS** for **HB 2048**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2048

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to college textbooks.

Was taken up.

Senator Engler moved that **SCS** for **HCS** for **HB 2048** be adopted.

Senator Engler requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Engler offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2048, Page 2, Section 173.955, Line 35, by striking the word “on” and inserting in lieu thereof the following: “**of**”.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Engler moved that **SCS** for **HCS** for **HB 2048**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **HCS** for **HB 2048**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Bartle—1

Absent—Senators—None

Absent with leave—Senator Nodler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1311, with **SCS**, introduced by Representative Hoskins, entitled:

An Act to repeal section 115.453, RSMo, and to enact in lieu thereof one new section relating to write-in candidates.

Was called from the Consent Calendar and taken up by Senator Engler.

SCS for **HB 1311**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1311

An Act to repeal section 115.453, RSMo, and to enact in lieu thereof one new section relating to write-in candidates.

Was taken up.

Senator Engler moved that **SCS** for **HB 1311** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **HB 1311** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus

Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senator Nodler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1422, with **SCS**, introduced by Representative St. Onge, et al, entitled:

An Act to repeal sections 390.071 and 622.095, RSMo, and to enact in lieu thereof one new section relating to unified carrier registration.

Was called from the Consent Calendar and taken up by Senator Stouffer.

SCS for **HB 1422**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1422

An Act to repeal sections 390.071 and 622.095, RSMo, and to enact in lieu thereof one new section relating to implementing the unified carrier registration plan and agreement to conform with the Unified Carrier Registration Act of 2005.

Was taken up.

Senator Stouffer moved that **SCS** for **HB 1422** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **HB 1422** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Nodler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 2065, with **SCS**, introduced by Representative Wasson, entitled:

An Act to repeal section 337.029, RSMo, and to enact in lieu thereof one new section relating to the state committee of psychologists.

Was called from the Consent Calendar and taken up by Senator Scott.

SCS for **HB 2065**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2065

An Act to repeal sections 337.029 and 337.068, RSMo, and to enact in lieu thereof two new sections relating to the state committee of psychologists.

Was taken up.

Senator Scott moved that **SCS** for **HB 2065** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **HB 2065** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Nodler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1689, with **SCS**, introduced by Representative Wilson (130), entitled:

An Act to repeal sections 286.200, 286.205, and 286.210, RSMo, and to enact in lieu thereof three new

sections relating to the governor's council on disability.

Was called from the Consent Calendar and taken up by Senator Scott.

SCS for **HB 1689**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1689

An Act to repeal sections 286.200, 286.205, and 286.210, RSMo, and to enact in lieu thereof four new sections relating to the office of administration.

Was taken up.

Senator Scott moved that **SCS** for **HB 1689** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **HB 1689** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Barnitz—1

Absent—Senators—None

Absent with leave—Senator Nodler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 1690**, with **SCS**, entitled:

An Act to repeal section 379.118, RSMo, and to enact in lieu thereof three new sections relating to the transmission of insurance-related information in specific formats.

Was called from the Consent Calendar and taken up by Senator Scott.

SCS for **HCS** for **HB 1690**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1690

An Act to repeal section 379.118, RSMo, and to enact in lieu thereof three new sections relating to the transmission of insurance-related information in specific formats.

Was taken up.

Senator Scott moved that **SCS** for **HCS** for **HB 1690** be adopted.

At the request of Senator Scott, the above motion was withdrawn, placing the bill back on the Consent Calendar.

HB 1946, with **SCS**, introduced by Representative Franz, entitled:

An Act to repeal sections 453.072 and 453.073, RSMo, and to enact in lieu thereof two new sections relating to adoption subsidies.

Was called from the Consent Calendar and taken up by Senator Champion.

SCS for **HB 1946**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1946

An Act to repeal sections 453.072 and 453.073, RSMo, and to enact in lieu thereof three new sections relating to adoption subsidies.

Was taken up.

Senator Champion moved that **SCS** for **HB 1946** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **HB 1946** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Nodler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1570, with **SCS**, introduced by Representative Franz, entitled:

An Act to repeal section 488.2300, RSMo, and to enact in lieu thereof one new section relating to

allowing the family services and justice fund to be used to fund guardian ad litem and informal adjustment services.

Was called from the Consent Calendar and taken up by Senator Champion.

SCS for HB 1570, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1570

An Act to repeal section 488.2300, RSMo, and to enact in lieu thereof two new sections relating to guardians ad litem.

Was taken up.

Senator Champion moved that **SCS for HB 1570** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS for HB 1570** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Nodler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

President Kinder assumed the Chair.

HB 1450, with **SCS**, introduced by Representatives Roorda and McGhee, entitled:

An Act to repeal section 21.800, RSMo, and to enact in lieu thereof one new section relating to the joint committee on terrorism, bioterrorism, and homeland security.

Was called from the Consent Calendar and taken up by Senator McKenna.

SCS for HB 1450, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1450

An Act to repeal sections 21.800 and 610.021, RSMo, and to enact in lieu thereof two new sections

relating to terrorism.

Was taken up.

Senator McKenna moved that **SCS** for **HB 1450** be adopted, which motion prevailed.

On motion of Senator McKenna, **SCS** for **HB 1450** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Griesheimer—1

Absent—Senators—None

Absent with leave—Senator Nodler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Griesheimer assumed the Chair.

HB 1640, with **SCS**, introduced by Representatives Schoeller and Cooper (155), entitled:

An Act to repeal section 193.125, RSMo, and to enact in lieu thereof one new section relating to birth certificates.

Was called from the Consent Calendar and taken up by Senator Goodman.

SCS for **HB 1640**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1640

An Act to repeal section 193.125, RSMo, and to enact in lieu thereof one new section relating to birth certificates.

Was taken up.

Senator Goodman moved that **SCS** for **HB 1640** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **HB 1640** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
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Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Nodler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Scott moved that **HCS** for **HB 1690**, with **SCS**, be called from the Consent Calendar and taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 1690** was taken up.

Senator Scott moved that **SCS** for **HCS** for **HB 1690** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **HCS** for **HB 1690** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Nodler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 1763**, entitled:

An Act to repeal sections 116.080 and 116.090, RSMo, and to enact in lieu thereof two new sections relating to petition circulators, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Engler.

Senator Engler offered **SS** for **HCS** for **HB 1763**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1763

An Act to repeal sections 116.080 and 116.090, RSMo, and to enact in lieu thereof two new sections relating to petition circulators, with penalty provisions.

Senator Engler moved that **SS** for **HCS** for **HB 1763** be adopted.

Senator Stouffer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 1763, Page 1, Section 116.080, Lines 11-12 of said page, by striking the following: “be paid on a per signature basis,”; and further amend line 12 of said page, by striking the comma “,” as it appears the second time on said line; and

Further amend said bill and section, page 2, line 1 of said page, by striking the following: “been paid on a per signature basis,”; and further amend line 2 of said page, by striking the comma “,”; and

Further amend said bill and section, page 3, lines 4-5 of said page, by striking the following: “BE PAID ON A PER SIGNATURE BASIS FOR THE COLLECTION OF ANY SIGNATURE,”; and further amend line 6 of said page, by striking the comma “,”; and further amend lines 17-18 of said page, by striking the following: “receives payment for collecting signatures on a per signature basis,”.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Smith offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 1763, Page 1, Section 116.080, Line 12 of said page, by striking “basis,” and inserting in lieu thereof the following: “**basis or**”; and further amend lines 12-13 of said page, by striking the following: “, or circulate more than one petition concurrently”; and

Further amend said bill and section, page 2, line 1 of said page, by striking the comma “,” and inserting in lieu thereof the following: “**or**”; and further amend lines 2-3 of said page, by striking the following: “, or circulate more than one petition concurrently”; and

Further amend said bill and section, page 3, line 5 of said page, by striking the comma “,” and inserting in lieu thereof the following: “**OR**”; and further amend lines 6-7 of said page, by striking the following: “, OR CIRCULATE MORE THAN ONE PETITION CONCURRENTLY”; and further amend line 18 of said page, by striking the comma “,” and inserting in lieu thereof the following: “or”; and further amend lines 19-20 of said page, by striking the following: “, or circulates more than one petition concurrently”.

Senator Smith moved that the above amendment be adopted, which motion failed.

Senator Smith offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 1763, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an interstate former resident, an intrastate new resident or a new resident, as defined in section 115.275, **or registers under subsection 4 of this section.** [In no case shall] Registration for an election **shall not** extend beyond 10:00 p.m. on the fourth Wednesday prior to the election **with the exception of same-day registration authorized under subsection 4 of this section.** Any person registering after such date shall be eligible to vote in subsequent elections.

2. A person applying to register with an election authority or a deputy registration official shall identify himself or herself by presenting a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri drivers license or other form of personal identification at the time of registration.

3. Except as provided **under subsection 4 of this section**, in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote **under subsection 1 of this section.**

4. A person who is qualified to vote on the day of an election shall be entitled to register on the day of the election at the polling place in which the person would otherwise be authorized to vote. The secretary of state shall develop by rule, a separate voter registration application and affidavit to be completed at the polling place on the day of the election documenting the identification required under section 115.427, an attestation to the validity of such documentation and that the applicant may be in violation of section 115.175 and section 115.631 for providing false documentation or falsely attesting to the affidavit.

115.145. Each election authority shall have the following duties with respect to registration:

(1) To conduct registration **at each polling place on election day and** at its office or offices throughout the entire year, including any four-week period prior to an election for the purpose of registration of persons for subsequent elections, on all usual business days and during its regular office hours in the manner required by this chapter;

(2) To instruct and direct each deputy registration official in the performance of his or her duties including those agencies mandated and optional, including as optional any institution of higher education located in the state, under the National Voter Registration Act of 1993 and to supply each deputy with the proper registration forms and other necessary supplies;

(3) To designate the times, dates and places or areas for additional voter registration by any deputy appointed pursuant to subsection 2 of section 115.143, and to publicize the times, dates and places or areas

of such registration in any manner reasonably calculated to inform the public; provided, that the place or area for voter registration by deputies appointed under subsection 3 of section 115.143 shall be located in the school for which the deputy has been appointed;

(4) Retain all voter registration records and registration list maintenance records for a minimum of two years. The election authority shall compile data from the records as may be necessary for compliance with the National Voter Registration Act of 1993;

(5) Number or use another system of identifying the original agency of the voter registration application.

115.149. 1. Within its jurisdiction, each election authority may register any person who is qualified to register in the jurisdiction. Each election authority may issue information cards to registered voters.

2. Upon agreement with another election authority, any election authority may register any person qualified to register in its jurisdiction in the jurisdiction of the other election authority. **This subsection shall not apply to registrations authorized under subsection 4 of section 115.135.**

115.151. 1. Each qualified applicant who appears before the election authority shall be deemed registered as of the time the applicant's completed, signed and sworn registration application is witnessed by the election authority or deputy registration official.

2. Each applicant who registers by mail shall be deemed to be registered as of the date the application is postmarked, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to section 115.155 is not returned as undeliverable by the postal service.

3. Each applicant who registers at a voter registration agency or the division of motor vehicle and drivers licensing of the department of revenue shall be deemed to be registered as of the date the application is signed by the applicant, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to section 115.155 is not returned as undeliverable by the postal service. Voter registration agencies and the division of motor vehicle and drivers licensing of the department of revenue shall transmit voter registration application forms to the appropriate election authority not later than five business days after the form is completed by the applicant.

4. Each qualified applicant who registers on the same day of the election at a polling place shall be deemed registered as of the time the applicant's completed, signed, and sworn registration application under subsection 4 of section 115.135 is witnessed by an election judge and a deputy registration official.”; and

Further amend said bill, page 4, section 116.090, line 16, by inserting immediately after said line the following:

“[115.425. Except as provided in subsection 2 of section 115.277, the election judges shall allow no person to vote whose name does not appear in the precinct register without the express sanction of the election authority.];” and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted.

Senator Engler raised the point of order that **SA 3** is out of order as it goes beyond the title and scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Barnitz offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Committee Substitute for House Bill No. 1763, Page 2, Section 116.080, Line 20, by inserting immediately after said line the following:

“(8) Certifying compliance with the training requirements specified by section 116.035”; and

Further renumber the remaining subdivision accordingly; and

Further amend said bill, page 4, section 116.090, Line 16 by adding immediately after said line the following:

“Section 1. 1. The secretary of state shall establish a training course for the purpose of instructing individuals qualifying as registered petition circulators pursuant to subsection 2 of section 116.080. The training course shall inform petition circulators of the requirements of Missouri law in collecting valid signatures and prohibition of signing petitions illegally, including but not limited to sections 116.050, 116.060, 116.070, 116.090 and 116.180 RSMo, and other instructions necessary for the proper circulation of petitions and prevention of fraud. The training course shall be offered on-line via the Internet and by mailed paper copy upon request.

2. Prior to circulating a petition, any paid or volunteer circulator shall complete the training course established by subsection 1. The course may be completed on-line via the Internet, or upon request by the individual attempting to qualify as a circulator the course material shall be mailed to the individual by the secretary of state.

3. Prior to qualifying as a circulator pursuant to section 116.080, the individual must successfully complete a test prepared by the secretary of state on the content of the training course, scoring at least seventy percent. The test may be completed on-line via the Internet, or for those individuals requesting course material by mail the test shall be administered in the offices of the secretary of the state or at other locations designated by the secretary of state.”; and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Coleman, Days and Koster.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman	Days	Engler	Graham	Green
Justus	Kennedy	Koster	McKenna	Shoemyer	Wilson—14		

NAYS—Senators

Bartle	Champion	Clemens	Crowell	Dempsey	Gibbons	Goodman	Griesheimer
Lager	Loudon	Mayer	Purgason	Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—18						

Absent—Senator Smith—1

Absent with leave—Senator Nodler—1

Vacancies—None

Senator Bray offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Committee Substitute for House Bill No. 1763, Page 1, Section 116.080, Line 13, by inserting immediately after “concurrently.” the following: **“Prior to obtaining a signature from a voter, each petition circulator shall read the official ballot title affixed to the petition to that individual.”**; and further amend page 2, line 1, by inserting immediately after the word “who” the following: **“does not read the official ballot title to the voter prior to obtaining the voter's signature,”**; and

Further amend said bill and section, page 3, line 19, by inserting immediately after the word “Internet,” the following: **“does not read the official ballot title to the voter prior to obtaining the voter's signature,”**.

Senator Bray moved that the above amendment be adopted.

Senator Rupp assumed the Chair.

Senator Smith offered **SA 1 to SA 5**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 5**

Amend Senate Amendment No. 5 to Senate Substitute for House Committee Substitute for House Bill No. 1763, Page 1, Section 116.080, Line 4, by inserting after the word “shall”, the following: **“offer to”**; and further amend line 7 by inserting after the word “not”, the following: **“offer to”**; and further amend line 11 by inserting after the word “not” the following: **“offer to”**.

Senator Smith moved that the above amendment be adopted.

At the request of Senator Smith, **SA 1 to SA 5** was withdrawn.

Senator Smith offered **SA 2 to SA 5**, which was read:

**SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 5**

Amend Senate Amendment No. 5 to Senate Substitute for House Committee Substitute for House Bill No. 1763, Page 1, Section 116.080, Line 4, by inserting after the word “shall”, the following: **“offer to read or offer to allow the voter to”**; and further amend line 7 by inserting after the word “not”, the following: **“offer to read or offer to allow the voter to”**; and further amend line 11 by inserting after the word “not” the following: **“offer to read or offer to allow the voter to”**.

Senator Smith moved that the above amendment be adopted.

At the request of Senator Engler, **HCS for HB 1763**, with **SS, SA 5 and SA 2 to SA 5** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2279**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon and the conferees be allowed to exceed the difference with regard to gas penalties and tree trimming provisions that have been truly agreed and will be removed from the bill.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SBs 1034** and **802**, entitled:

An Act to repeal section 407.300, RSMo, and to enact in lieu thereof five new sections relating to scrap metal, with penalty provisions and an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Engler moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 2279**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SS** for **HCS** for **HB 2279**, as amended: Senators Engler, Lager, Griesheimer, Bray and Callahan.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 1883**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HJR 48**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 2321**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws,

submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS** for **HJR 41**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rupp assumed the Chair.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-SEVENTH DAY—TUESDAY, MAY 13, 2008

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)
SB 1099-Graham

SS#2 for SCS for SBs 1021 & 870-Loudon
(In Fiscal Oversight)

HOUSE BILLS ON THIRD READING

1. HCS for HBs 1595 & 1668 (Mayer)
(In Fiscal Oversight)
2. HB 2191-Nasheed, et al, with SCS
(Coleman) (In Fiscal Oversight)
3. HCS for HBs 1321 & 1695, with SCS
(Gibbons) (In Fiscal Oversight)
4. HB 1832-Cooper (120), et al, with SCS
(Griesheimer)
5. HCS for HB 2058, with SCS (Kennedy)
(In Fiscal Oversight)
6. HCS for HB 1700, with SCS (Scott)
(In Fiscal Oversight)
7. HCS for HJR 43, with SCS (Gibbons)
8. HB 1995-Schieffer, et al (Rupp)

9. HB 1716-Guest, et al (Purgason)
10. HCS for HBs 1831 & 1472 (Mayer)
(In Fiscal Oversight)
11. HCS#2 for HB 1423, with SCS (Goodman)
12. HCS for HB 1626 (Ridgeway)
13. HCS for HBs 1788 & 1882 (Crowell)
(In Fiscal Oversight)
14. HCS for HB 1314, with SCS (Callahan)
15. HCS for HBs 2062 & 1518, with SCS
(Stouffer) (In Fiscal Oversight)
16. HCS for HB 1883, with SCS
17. HCS for HJR 48 (Scott)
18. HCS for HB 2321, with SCS
19. HCS for HJR 41, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS	SB 997-Crowell
SB 713-Gibbons, with SCS	SB 1000-Justus
SB 716-Loudon, et al	SB 1007-Loudon, with SA 2 (pending)
SB 717-Kennedy and Shields	SB 1035-Scott, with SCS
SB 729-Griesheimer, with SCS	SB 1046-Mayer, with SA 1 & SSA 1 for SA 1 (pending)
SB 749-Ridgeway, with SCS	SB 1052-Rupp
SB 756-Engler and Rupp, with SCS (pending)	SB 1054-Dempsey, with SCS
SB 776-Justus and Koster, with SCS	SB 1057-Scott, with SCS
SB 809-Stouffer, with SCS, SS for SCS & SA 1 (pending)	SB 1058-Mayer
SB 811-Stouffer, with SCS, SA 1 & point of order (pending)	SB 1067-Ridgeway, et al
SB 815-Goodman	SB 1077-Goodman, with SS (pending)
SB 821-Shoemyer, with SCS (pending)	SB 1093-Loudon, et al
SBs 840 & 857-Engler, with SCS & SS for SCS (pending)	SB 1094-Loudon, with SCS
SB 861-Shoemyer, with SCS	SB 1101-Bray, et al
SB 874-Graham, with SCS	SB 1103-Gibbons
SB 877-Mayer	SB 1138-McKenna, with SCS
SB 881-Green	SB 1158-Mayer, with SCS
SB 904-Griesheimer, with SCS	SB 1164-Loudon
SBs 909, 954, 934 & 1003-Engler, with SCS	SB 1180-Crowell
SB 915-Ridgeway	SB 1183-Bray, with SCS
SB 917-Goodman, et al	SB 1194-Goodman
SB 929-Green and Callahan, with SCS	SB 1197-Crowell
SB 957-Goodman	SBs 1234 & 1270-Shields, with SCS & SS#2 for SCS (pending)
SBs 982, 834 & 819-Purgason, with SCS	SB 1240-Dempsey
SB 990-Champion	SB 1244-Barnitz and Purgason
SBs 993 & 770-Crowell, with SCS, SS for SCS, SA 4 & SSA 1 for SA 4 (pending)	SB 1275-Vogel
SB 996-Crowell, with SCS	SB 1278-Shields
	SJR 43-Loudon

HOUSE BILLS ON THIRD READING

HCS for HB 1341 (Nodler)	HCS for HB 1516, with SCS (Goodman)
HB 1358-Flook, et al (Ridgeway)	HB 1532-Davis, with SCS (Rupp)
HCS for HB 1393 (Ridgeway)	HCS for HBs 1549, 1771, 1395 & 2366 (Rupp)
HCS#2 for HB 1463, with SCS	HCS for HB 1550 (Dempsey)
HCS for HB 1474, with SCS (Scott)	HB 1617-Cunningham (86), et al (Dempsey)

HB 1656-Nance and Cooper (155), with SCS
(Stouffer)
HB 1661-LeVota, et al (Ridgeway)
HB 1711-Weter, et al, with SCS, SS#2 for SCS
& SA 10 (pending) (Clemens)
HCS for HB 1722, with SCS (Mayer)
HCS for HB 1763, with SS, SA 5 & SA 2 to
SA 5 (pending) (Engler)
HCS for HB 1790, HB 1805 & HCS for
HB 1546, with SCS (Shields)
HCS for HBs 1876 & 1877, with SCS (Mayer)
HCS for HB 1904, with SCS (Goodman)
HB 1923-Jones (117) and Pratt (Barnitz)

HB 1937-Pearce, et al, with SCS (Scott)
HB 1973-Franz, with SCS (Engler)
HB 1983-Pratt, with SCS (Goodman)
HCS for HB 2041, with SCS (Scott)
HCS for HB 2068 (Scott)
HB 2081-Dougherty, with SCS (pending)
(Callahan)
HCS for HB 2104, HB 1574, HB 1706,
HCS for HB 1774, HB 2055 & HCS
for HB 2056, with SCS (Crowell)
HB 2226-Muschany (Rupp)
HCS for HJR 55 (Crowell)

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)
HB 1670-Cooper (120) (Dempsey)
HB 1828-Sutherland (Vogel)
HB 1410-Flook, et al (Ridgeway)
HCS for HB 1888 (Clemens)
HB 1368-Thomson (Lager)
HB 1869-Wilson (130), et al (Goodman)

HB 2213-Kraus, et al (Shields)
HB 1354-Wilson (119), et al (Scott)
HCS for HB 1575 (Vogel)
HB 1952-Loehner, et al (Barnitz)
HB 1887-Parson (Scott)
HCS for HB 2360 (Lager)
HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin (Ridgeway)
HB 2233-Page, et al (Shields)

HB 1419-Portwood (Loudon)
HB 1791-Cooper (155), et al (Barnitz)

Reported 4/15

HCS for HB 1380 (Goodman)
HCS for HB 2036 (Stouffer)
HB 1849-Pratt and Curls (Justus)
HB 1469-Pratt (Goodman)
HB 1710-Flook (Ridgeway)

HCS for HB 1783 (Engler)
HB 1784-Meadows, et al (McKenna)
HB 1313-Wright, et al (Mayer)
HCS for HB 1893 (Dempsey)
HB 1881-Schlottach (Kennedy)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SBs 1034 & 802-Mayer, with HCS

SB 1288-Shields, with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 841-Stouffer, with HCS, as amended
SS for SCS for SB 931-Purgason, with HCS,
as amended
(Senate adopted CCR and passed CCS)
SB 1068-Mayer, with HA 1 & HA 3

SB 1074-Dempsey, with HCS, as amended
HB 2224-Jones (117), with SS for SCS
(Griesheimer)
HCS for HB 2279, with SCS, as amended
(Engler)

RESOLUTIONS

Reported from Committee

SCR 27-Champion
SCR 32-Purgason
SCR 33-Bray

HCR 7-Pearce, et al (Rupp)
HCR 23-Dixon, et al, with SCA 1 (Loudon)

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Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SEVENTH DAY—TUESDAY, MAY 13, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Wisdom is the power to see and the inclination to choose the best and highest goal, together with the surest means of attaining it.” (J.I. Packer)

Beloved Lord, help all who serve here to govern wisely and for the common good of all. Help us to continue to find ways to work together, to improve our collegiality and have a willingness to honor each other and assist as we are capable. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV and the Missourinet were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 2703, regarding Sherry Drunert, which was adopted.

Senator Stouffer offered Senate Resolution No. 2704, regarding Carson Oetting and Chase Petersen, Higginsville, which was adopted.

Senator Bartle offered Senate Resolution No. 2705, regarding Brian Jochems, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 2706, regarding Aaron Paul Price, which was adopted.

Senator Crowell offered Senate Resolution No. 2707, regarding Mallory LaPlant, East Prairie, which was adopted.

Senator Crowell offered Senate Resolution No. 2708, regarding Colton Bailey, Zalma, which was adopted.

Senator Crowell offered Senate Resolution No. 2709, regarding Angela Clubb, Marble Hill, which was adopted.

Senator Crowell offered Senate Resolution No. 2710, regarding Benjamin Russel Douglass, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2711, regarding Ethan Parker Worthington, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2712, regarding Jordan Jansen, which was adopted.

Senator Crowell offered Senate Resolution No. 2713, regarding Molly Brotherton, which was adopted.

Senator Crowell offered Senate Resolution No. 2714, regarding Courtney Thiele, which was adopted.

Senator Crowell offered Senate Resolution No. 2715, regarding Cody Van de Ven, which was adopted.

Senator Crowell offered Senate Resolution No. 2716, regarding Chelsea Broshuis, which was adopted.

Senator Days offered Senate Resolution No. 2717, regarding the Forty-fifth Wedding Anniversary of Mr. and Mrs. Richard Klebba, Osage Bend, which was adopted.

Senator Crowell offered Senate Resolution No. 2718, regarding Brenda Ruth, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2719, regarding Mary Ann Stamp, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2720, regarding Ida L. Domazlicky, Cape Girardeau, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SBs 930** and **947**, entitled:

An Act to repeal sections 144.030, 144.805, 155.010, 301.040, 301.130, 302.060, 302.171, 302.177, 302.720, 302.735, 304.015, 304.180, 304.230, 305.230, and 577.023, RSMo, and to enact in lieu thereof twenty-four new sections relating to transportation issues, with penalty provisions.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, House Amendment No. 1 to House Amendment No. 11, House Amendment No. 11, as amended, House Amendment No. 12, House Amendment No. 1 to House Amendment No. 13, House Amendment No. 13, as amended, House Amendment No. 14, House Amendment No. 1 to House Amendment No. 15, House Amendment No. 15, as amended, House Amendment Nos. 16, 17, 18, 19, 20, 21, 23, House Amendment No. 2 to House Amendment No. 24, House Amendment No. 24, as amended and House Amendment No. 25.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947, Page 15, Section 301.130, Line 107, by inserting after all of said line the following:

“302.010. Except where otherwise provided, when used in this chapter, the following words and phrases mean:

- (1) “Circuit court”, each circuit court in the state;
- (2) “Commercial motor vehicle”, a motor vehicle designed or regularly used for carrying freight and merchandise, or more than fifteen passengers;
- (3) “Conviction”, any final conviction; also a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction, except that when any conviction as a result of which points are assessed pursuant to section 302.302 is appealed, the term “conviction” means the original judgment of conviction for the purpose of determining the assessment of points, and the date of final judgment affirming the conviction shall be the date determining the beginning of any license suspension or revocation pursuant to section 302.304;
- (4) “Director”, the director of revenue acting directly or through the director's authorized officers and agents;
- (5) “Farm tractor”, every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry;
- (6) “Highway”, any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways, or alleys in any municipality;
- (7) “Incompetent to drive a motor vehicle”, a person who has become physically incapable of meeting the prescribed requirements of an examination for an operator's license, or who has been adjudged by a probate division of the circuit court in a capacity hearing of being incapacitated;
- (8) “License”, a license issued by a state to a person which authorizes a person to operate a motor vehicle;
- (9) “Motor vehicle”, any self-propelled vehicle not operated exclusively upon tracks except motorized bicycles, as defined in section 307.180, RSMo;
- (10) “Motorcycle”, a motor vehicle operated on two wheels; however, this definition shall not include motorized bicycles as defined in section 301.010, RSMo;

(11) “Motortricycle”, a motor vehicle operated on three wheels, including a motorcycle operated with any conveyance, temporary or otherwise, requiring the use of a third wheel;

(12) “Moving violation”, that character of traffic violation where at the time of violation the motor vehicle involved is in motion, except that the term does not include the driving of a motor vehicle without a valid motor vehicle registration license, or violations of sections 304.170 to 304.240, RSMo, inclusive, relating to sizes and weights of vehicles;

(13) “Municipal court”, every division of the circuit court having original jurisdiction to try persons for violations of city ordinances;

(14) “Nonresident”, every person who is not a resident of this state;

(15) “Operator”, every person who is in actual physical control of a motor vehicle upon a highway;

(16) “Owner”, a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of sections 302.010 to 302.540;

(17) “Record” includes, but is not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, digitized images, deposited or filed with the department of revenue;

(18) “Residence address”, “residence”, or “resident address” shall be the location at which a person has been physically present, and that the person regards as home. A residence address is a person's true, fixed, principal, and permanent home, to which a person intends to return and remain, even though currently residing elsewhere;

(19) “Restricted driving privilege”, a driving privilege issued by the director of revenue following a suspension of driving privileges for the limited purpose of driving in connection with the driver's business, occupation, employment, formal program of secondary, postsecondary or higher education, or for an alcohol education or treatment program **or certified ignition interlock provider**;

(20) “School bus”, when used in sections 302.010 to 302.540, means any motor vehicle, either publicly or privately owned, used to transport students to and from school, or to transport pupils properly chaperoned to and from any place within the state for educational purposes. The term “school bus” shall not include a bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interstate transportation of passengers when such bus is not traveling a specific school bus route but is:

(a) On a regularly scheduled route for the transportation of fare-paying passengers; or

(b) Furnishing charter service for the transportation of persons enrolled as students on field trips or other special trips or in connection with other special events;

(21) “School bus operator”, an operator who operates a school bus as defined in subdivision (20) of this section in the transportation of any schoolchildren and who receives compensation for such service. The term “school bus operator” shall not include any person who transports schoolchildren as an incident to employment with a school or school district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such person is under contract with or employed by a school or school district as a school bus operator;

(22) “Signature”, any method determined by the director of revenue for the signing, subscribing or verifying of a record, report, application, driver's license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, application, driver's license or related document;

(23) “Substance abuse traffic offender program”, a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol- or drug-related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection [13] **14** of section 302.304 and subsections 1 and 5 of section 302.540;

(24) “Vehicle”, any mechanical device on wheels, designed primarily for use, or used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons.”; and

Further amend said bill, Page 15, Section 302.060, Line 1 by inserting before the word “The”, the following: “**1.**”; and

Further amend said bill, Page 17, Section 302.060, Line 58, by inserting after all of said line the following:

“2. Any person whose license is reinstated under the provisions of subdivisions (9) and (10) of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the license shall be suspended for the remainder of the six-month period or until proof as required by this section is filed with the director. Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.”; and

Further amend said bill, Page 23, Section 302.177, Line 56, by inserting after all of said line the following:

“302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, and is otherwise eligible, shall be reinstated as follows:

- (1) In the case of an initial suspension, thirty days after the effective date of the suspension;
- (2) In the case of a second suspension, sixty days after the effective date of the suspension;
- (3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, the license and driving privilege shall be reinstated.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director

shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the armed forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the armed forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (22) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, RSMo, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary

unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001, RSMo, or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, RSMo, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (9) of subsection 1 of section 302.302 shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor.

302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303, RSMo.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts or the director of revenue shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

(a) A business, occupation, or employment;

- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs; [or]
- (e) **Seeking the required services of a certified ignition interlock device provider; or**
- (f) Any other circumstance the court or director finds would create an undue hardship on the operator;

the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303, RSMo. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, RSMo, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303, RSMo, for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303, RSMo, for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of paragraph (a) of subdivision (6) of subsection 3 of this section on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302; or a license denial under paragraph (a) or (b) of subdivision (8) of subsection 3 of this section; until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege.

(5) The court order or the director's grant of the limited **or restricted** driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. **Failure of the driver to maintain proof of financial**

responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

[(5)] (6) Except as provided in subdivision [(7)] (8) of this subsection, no person is eligible to receive a limited driving privilege who at the time of application for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or whose license has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, RSMo, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, RSMo, or having left the scene of an accident as provided in section 577.060, RSMo;

(e) Due to a revocation for the first time for failure to submit to a chemical test pursuant to section 577.041, RSMo, or due to a refusal to submit to a chemical test in any other state, if such person has not completed the first ninety days of such revocation;

(f) Violation more than once of the provisions of section 577.041, RSMo, or a similar implied consent law of any other state; or

(g) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed such revocation.

[(6)] (7) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, canceled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

[(7)] (8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least three years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding three years and that the person's habits and conduct show that the

person no longer poses a threat to the public safety of this state.

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least two years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding two years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision.

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

302.525. 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol-related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo,

and is otherwise eligible. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol-related enforcement contacts during the immediately preceding five years;

(3) In no case shall restricted driving privileges be issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts until the person has completed the first thirty days of a suspension under this section and has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of the restricted driving privilege. If the person fails to maintain such proof the restricted driving privilege shall be terminated.

3. For purposes of this section, "alcohol-related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving **while intoxicated, driving while under the influence of drugs or alcohol, or driving** a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012, RSMo, or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts showing on their driver record shall be required to file proof with the director of revenue that any motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked, as applicable."; and

Further amend said bill, Page 48, Section 577.023, Line 112, by inserting after all of said line the following:

"577.041. 1. If a person under arrest, or who has been stopped pursuant to subdivision (2) or (3) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to any test allowed pursuant to section 577.020, then none shall be given and evidence of the refusal shall be admissible in a proceeding pursuant to section 565.024, 565.060, or 565.082, RSMo, or section 577.010 or 577.012. The request of the officer shall include the reasons of the officer for requesting the person to submit to a test and also shall inform the person that evidence of refusal to take the test may be used against such person and that the person's license shall be immediately revoked upon refusal to take the test. If a person when requested to submit to any test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be granted twenty minutes in which to attempt to contact an attorney. If upon the completion

of the twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a refusal. In this event, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a motor vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person a notice of such person's right to file a petition for review to contest the license revocation.

2. The officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following:

(1) That the officer has:

(a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

(2) That the person refused to submit to a chemical test;

(3) Whether the officer secured the license to operate a motor vehicle of the person;

(4) Whether the officer issued a fifteen-day temporary permit;

(5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice of the right to file a petition for review, which notices and permit may be combined in one document; and

(6) Any license to operate a motor vehicle which the officer has taken into possession.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit or associate circuit court in the county in which the arrest or stop occurred. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation pursuant to this section. Upon the person's request the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing the court shall determine only:

(1) Whether or not the person was arrested or stopped;

(2) Whether or not the officer had:

(a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

(3) Whether or not the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked pursuant to the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 577.001, or a program determined to be comparable by the department of mental health or the court. Assignment recommendations, based upon the needs assessment as described in subdivision (22) of section 302.010, RSMo, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes

of funding the substance abuse traffic offender program defined in section 302.010, RSMo, and section 577.001. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065, RSMo, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

9. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

10. Any person who has had a license to operate a motor vehicle revoked more than once for violation of the provisions of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked and the person shall be guilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's license and driving privilege shall be rerevoked and the person shall be guilty of a class A misdemeanor.

577.600. 1. In addition to any other provisions of law, a court may require that any person who is found guilty of or pleads guilty to a first intoxication-related traffic offense, as defined in section 577.023, and a court shall require that any person who is found guilty of or pleads guilty to a second or subsequent intoxication-related traffic offense, as defined in section 577.023, shall not operate any motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device for a period of not less than [one month] **six months** from the date of reinstatement of the person's driver's license. In addition, any court authorized to grant a limited driving privilege under section 302.309, RSMo, to any person who is found guilty of or pleads guilty to a second or subsequent intoxication-related traffic offense shall require the use of an ignition interlock device on all vehicles operated by the person as a required condition of the limited driving privilege. **These requirements shall be in addition to any other provisions of this chapter or chapter 302, RSMo, requiring installation and maintenance of an ignition interlock device.** Any person

required to use an ignition interlock device, **either under the provisions of this chapter or chapter 302, RSMo**, shall comply with [the court order,] **such requirement** subject to the penalties provided by this section.

2. No person shall knowingly rent, lease or lend a motor vehicle to a person known to have had that person's driving privilege restricted as provided in subsection 1 of this section, unless the vehicle is equipped with a functioning, certified ignition interlock device. Any person whose driving privilege is restricted as provided in subsection 1 of this section shall notify any other person who rents, leases or loans a motor vehicle to that person of the driving restriction imposed pursuant to this section.

3. Any person convicted of a violation of this section shall be guilty of a class A misdemeanor.

577.602. 1. If a court imposes a fine and requires the use of an ignition interlock device for the same offense, the amount of the fine may be reduced by the cost of the ignition interlock device.

2. If the court requires the use of an ignition interlock device, it shall order the installation of the device on any vehicle which the offender operates during the period of probation or limited driving privilege.

3. If the court imposes the use of an ignition interlock device on a person having full or limited driving privileges, the court shall require the person to provide proof of compliance with the order to the court or the probation officer within thirty days of this court's order or sooner, as required by the court, **in addition to any proof required to be filed with the director of revenue under the provisions of this chapter or chapter 302, RSMo**. If the person fails to provide proof of installation within that period, absent a finding by the court of good cause for that failure which is entered in the court record, the court shall revoke or terminate the person's probation or limited driving privilege.

4. Nothing in sections 577.600 to 577.614 shall be construed to authorize a person to operate a motor vehicle whose driving privileges have been suspended or revoked, unless the person has obtained a limited driving privilege or restricted driving privilege under other provisions of law.

5. The person whose driving privilege is restricted pursuant to section 577.600 shall report to the court or the probation officer at least once annually, or more frequently as the court may order, on the operation of each ignition interlock device in the person's vehicle or vehicles. Such person shall be responsible for the cost and maintenance of the ignition interlock device. If such device is broken, destroyed or stolen, such person shall also be liable for the cost of replacement of the device.

6. The court may require a person whose driving privilege is restricted under section 577.600 to report to any officer appointed by the court in lieu of a probation officer.

7. The court shall require periodic calibration checks that are needed for the proper operation of the ignition interlock device.

577.612. 1. It is unlawful for any person whose driving privilege is restricted pursuant to [section 577.600] **the provisions of this chapter or chapter 302, RSMo**, to request or solicit any other person to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing the person so restricted with an operable motor vehicle.

2. It is unlawful to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing an operable motor vehicle to a person whose driving privilege is restricted pursuant to [section 577.600] **the provisions of this chapter or chapter 302, RSMo**.

3. It is unlawful to tamper with, or circumvent the operation of, an ignition interlock device.

4. Any person who violates any provision of this section is guilty of a class A misdemeanor.

Section B. The repeal and reenactment of sections 302.010, 302.060, 302.304, 302.309, 302.525, 577.023, 577.041, 577.600, 577.602, and 577.612 of section A of this act shall become effective on July 1, 2009.

Section C. Because immediate action is necessary to rectify a recent Supreme Court ruling which held that a defendant's prior guilty plea and suspended imposition of sentence in municipal court could not be used to enhance the punishment for the defendant's new intoxication-related traffic offense, section 577.023 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 577.023 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947, Page 10, Section 144.805, Line 30, by deleting the second occurrence of the opening bracket, “[” after the letters, “RSMo”; and

Further amend said page and section, Line 31, by putting opening and closing brackets, “[” around the word “six”; and

Further amend said page, section and line, by inserting after the word, “six” the word, “**eight**”; and

Further amend said page and section, Line 32, by deleting the closing bracket, “]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 930 and 947, Page 33, Section 304.180, Line 102 by inserting after the second occurrence of the word “pounds” the words “, **except as provided in subsection 9 of this section**”; and

Further amend said bill, Page 33, Section 304.180, Line 118 by inserting after said line the following:

“9. Notwithstanding subsections 3 and 6 of this section or any other provision of law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on U.S. Highway 36 from St. Joseph to U.S. Highway 65, and on U.S. Highway 65 from the Iowa state line to U.S. Highway 36.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947,

Page 22, Section 302.720, Line 1, by inserting before all of said Line, the following:

“302.341. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which he is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against him for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall [reinstate] **return the license and remove the suspension from the individual's driving record.** The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section. If any city, town or village receives more than forty-five percent of its total annual revenue from fines for traffic violations occurring on state highways, all revenues from such violations in excess of forty-five percent of the total annual revenue of the city, town or village shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed. For the purpose of this section the words “state highways” shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number.”; and

Further amend said Bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947, Section 305.230, Page 41, Line 86, by inserting after all of said line the following:

“385.400. Sections 385.400 to 385.436 shall be known and may be cited as the “Missouri Vehicle Protection Product Act”.

385.403. As used in sections 385.400 to 385.436, the following terms shall mean:

(1) “Administrator”, a third party other than the warrantor who is designated by the warrantor to be responsible for the administration of vehicle protection product warranties;

(2) “Department”, the department of insurance, financial institutions and professional registration;

(3) “Director”, the director of the department of insurance, financial institutions, and professional registration;

(4) “Incidental costs”, expenses specified in the warranty incurred by the warranty holder related to the failure of the vehicle protection product to perform as provided in the warranty. Incidental costs may include, without limitation, insurance policy deductibles, rental vehicle charges, the difference between the actual value of the stolen vehicle at the time of theft and the cost of a replacement vehicle, sales taxes, registration fees, transaction fees, and mechanical inspection fees;

(5) “Premium”, the consideration paid to an insurer for a reimbursement insurance policy;

(6) “Service contract”, a contract or agreement for a separately stated consideration or for a specific duration to perform the repair, replacement, or maintenance of a motor vehicle or indemnification for repair, replacement, or maintenance, for the operational or structural failure due to a defect in materials, workmanship, or normal wear and tear, with or without additional provision for incidental payment of indemnity under limited circumstances, including but not limited to towing, rental, and emergency road service, but does not include mechanical breakdown insurance or maintenance agreements;

(7) “Vehicle protection product”, a vehicle protection device, system, or service that:

(a) Is installed on or applied to a vehicle;

(b) Is designed to prevent loss or damage to a vehicle from a specific cause; and

(c) Includes a written warranty.

For purposes of sections 385.400 to 385.436, the term “vehicle protection product” shall include, without limitation, alarm systems, body part marking products, steering locks, window etch products, pedal and ignition locks, fuel and ignition kill switches, and electronic, radio, and satellite tracking devices;

(8) “Vehicle protection product warranty” or “warranty”, a written agreement by a warrantor that provides that if the vehicle protection product fails to prevent loss or damage to a vehicle from a specific cause, then the warranty holder shall be paid specified incidental costs by the warrantor as a result of the failure of the vehicle protection product to perform pursuant to the terms of the warranty. Incidental costs may be reimbursed under the provisions of the warranty in either a fixed amount specified in the warranty or sales agreement or by the use of a formula itemizing specific incidental costs incurred by the warranty holder;

(9) “Vehicle protection product warrantor” or “warrantor”, a person who is contractually obligated to the warranty holder under the terms of the vehicle protection product warranty agreement. “Warrantor” does not include an authorized insurer providing a warranty reimbursement insurance policy;

(10) “Warranty holder”, the person who purchases a vehicle protection product or who is a permitted transferee;

(11) “Warranty reimbursement insurance policy”, a policy of insurance that is issued to the vehicle protection product warrantor to provide reimbursement to the warrantor or to pay on behalf of the warrantor all covered contractual obligations incurred by the warrantor under the terms and conditions of the insured vehicle protection product warranties sold by the warrantor.

385.406. 1. No vehicle protection product may be sold or offered for sale in this state unless the seller, warrantor, and administrator, if any, comply with the provisions of sections 385.400 to 385.436.

2. Vehicle protection product warrantors and related vehicle protection product sellers and warranty administrators complying with sections 385.400 to 385.436 are not required to comply with and are not subject to any other provisions of the state insurance code.

3. Service contract providers who do not sell vehicle protection products are not subject to the requirements of sections 385.400 to 385.436 and sales of vehicle protection products are exempt from the requirements of sections 385.200 to 385.220.

4. Warranties, indemnity agreements, and guarantees that are not provided as a part of a vehicle protection product are not subject to the provisions of sections 385.400 to 385.436.

5. Notwithstanding the provisions of sections 408.140 and 408.233, RSMo, a business which is licensed and regulated under sections 367.100 to 367.215 or sections 367.500 to 367.533, RSMo, may offer and sell service contracts, as defined in sections 385.200, 385.300, and 385.403, in conjunction with other transactions so long as such business complies with all other requirements of chapter 385.

385.409. 1. A person may not operate as a warrantor or represent to the public that the person is a warrantor unless the person is registered with the department on a form prescribed by the director.

2. Warrantor registration records shall be filed annually and shall be updated within thirty days of any change. The registration records shall contain the following information:

(1) The warrantor's name, any fictitious names under which the warrantor does business in the state, principal office address, and telephone number;

(2) The name and address of the warrantor's agent for service of process in the state if other than the warrantor;

(3) The names of the warrantor's executive officer or officers directly responsible for the warrantor's vehicle protection product business;

(4) The name, address, and telephone number of any administrators designated by the warrantor to be responsible for the administration of vehicle protection product warranties in this state;

(5) A copy of the warranty reimbursement insurance policy or policies or other financial information required by section 385.412;

(6) A copy of each warranty the warrantor proposes to use in this state; and

(7) A statement indicating under which provision of section 385.412 the warrantor qualifies to do business in this state as a warrantor.

3. The director may charge each registrant a reasonable fee to offset the cost of processing the

registration and maintaining the records in an amount not to exceed five hundred dollars annually or as set by regulation. The information in subdivisions (1) and (2) of subsection 2 of this section shall be made available to the public.

4. If a registrant fails to register by the renewal deadline, the director shall give him or her written notice of the failure and the registrant will have thirty days to complete the renewal of his or her registration before he or she is suspended from being registered in this state.

5. An administrator or person who sells or solicits a sale of a vehicle protection product but who is not a warrantor shall not be required to register as a warrantor or be licensed under the insurance laws of this state to sell vehicle protection products.

385.412. No vehicle protection product shall be sold or offered for sale in this state unless the warrantor conforms to either subdivision (1) or (2) of this section in order to ensure adequate performance under the warranty. No other financial security requirements or financial standards for warrantors shall be required. The vehicle protection product's warrantor may meet the requirements of this section by:

(1) Obtaining a warranty reimbursement insurance policy issued by an insurer authorized to do business within this state which provides that the insurer will pay to, or on behalf of, the warrantor one hundred percent of all sums that the warrantor is legally obligated to pay according to the warrantor's contractual obligations under the warrantor's vehicle protection product warranty. The warrantor shall file a true and correct copy of the warranty reimbursement insurance policy with the director. The policy shall contain the provisions required in section 385.415; or

(2) Maintaining a net worth or stockholder's equity of fifty million dollars. The warrantor shall provide the director with a copy of the warrantor's or warrantor's parent company's most recent Form 10-K or Form 20-F filed with the Securities and Exchange Commission within the last calendar year, or if the warrantor does not file with the Securities and Exchange Commission, a copy of the warrantor or the warrantor's parent company's audited financial statements that shows a net worth of the warrantor or its parent company of at least fifty million dollars. If the warrantor's parent company's Form 10-K, Form 20-F, or audited financial statements are filed to meet the warrantor's financial stability requirement, then the parent company shall agree to guarantee the obligations of the warrantor relating to warranties issued by the warrantor in this state. The financial information filed under this subdivision shall be confidential as a trade secret of the entity filing the information and not subject to public disclosure if the entity is not required to file with the Securities and Exchange Commission.

385.415. No warranty reimbursement insurance policy shall be issued, sold, or offered for sale in this state unless the policy meets the following conditions:

(1) The policy states that the issuer of the policy will reimburse or pay on behalf of the vehicle protection product warrantor all covered sums which the warrantor is legally obligated to pay or will provide that all service that the warrantor is legally obligated to perform according to the warrantor's contractual obligations under the provisions of the insured warranties sold by the warrantor;

(2) The policy states that in the event payment due under the terms of the warranty is not provided by the warrantor within sixty days after proof of loss has been filed according to the terms

of the warranty by the warranty holder, the warranty holder may file directly with the warranty reimbursement insurance company for reimbursement;

(3) The policy provides that a warranty reimbursement insurance company that insures a warranty shall be deemed to have received payment of the premium if the warranty holder paid for the vehicle protection product and insurer's liability under the policy shall not be reduced or relieved by a failure of the warrantor, for any reason, to report the issuance of a warranty to the insurer; and

(4) The policy has the following provisions regarding cancellation of the policy:

(a) The issuer of a reimbursement insurance policy shall not cancel such policy until a notice of cancellation in writing has been mailed or delivered to the director and each insured warrantor sixty days prior to cancellation of the policy;

(b) The cancellation of a reimbursement insurance policy shall not reduce the issuer's responsibility for vehicle protection products sold prior to the date of cancellation; and

(c) In the event an insurer cancels a policy that a warrantor has filed with the director, the warrantor shall do either of the following:

a. File a copy of a new policy with the director, before the termination of the prior policy; or

b. Discontinue offering warranties as of the termination date of the policy until a new policy becomes effective and is accepted by the director.

385.418. 1. Every vehicle protection product warranty shall be written in clear, understandable language and shall be printed or typed in an easy-to-read point size and font and shall not be issued, sold, or offered for sale in the state unless the warranty:

(1) States that the obligations of the warrantor to the warranty holder are guaranteed under a warranty reimbursement insurance policy if the warrantor elects to meet its financial responsibility obligations under subdivision (1) of section 385.412, or states the obligations of the warrantor under this warranty are backed by the full faith and credit of the warrantor if the warrantor elects to meet its financial responsibility under subdivision (2) of section 385.412;

(2) States that in the event a warranty holder must make a claim against a party other than the warrantor, the warranty holder is entitled to make a direct claim against the warranty reimbursement insurer upon the failure of the warrantor to pay any claim or meet any obligation under the terms of the warranty within sixty days after proof of loss has been filed with the warrantor, if the warrantor elects to meet its financial responsibility obligations under subdivision (1) of section 385.412;

(3) States the name and address of the insurer of the warranty reimbursement insurance policy, and this information need not be preprinted on the warranty form but may be stamped on the warranty, if the warrantor elects to meet its financial responsibility obligations under subdivision (1) of section 385.412;

(4) Identifies the warrantor, the seller, and the warranty holder;

(5) Sets forth the total purchase price of the vehicle protection product warranty and the terms under which it is to be paid; however, the purchase price is not required to be preprinted on the

vehicle protection product warranty and may be negotiated with the consumer at the time of sale;

(6) Sets forth the procedure for making a claim, including a telephone number;

(7) States the existence of a deductible amount, if any;

(8) Specifies the payments or performance to be provided under the warranty including payments for incidental costs, the manner of calculation or determination of payments or performance, and any limitations, exceptions, or exclusions;

(9) Sets forth all of the obligations and duties of the warranty holder such as the duty to protect against further damage to the vehicle, the obligation to notify the warrantor in advance of any repair, or other similar requirements, if any;

(10) Sets forth any terms, restrictions, or conditions governing transferability of the warranty, if any; and

(11) Contains a disclosure that reads substantially as follows: “This agreement is a product warranty and is not insurance”.

2. At the time of sale, the seller or warrantor shall provide to the purchaser:

(1) A copy of the vehicle protection product warranty; or

(2) A receipt or other written evidence of the purchase of the vehicle protection product and a copy of the warranty within thirty days of the date of purchase.

385.421. 1. No vehicle protection product may be sold or offered for sale in this state unless the vehicle protection product warranty states the terms and conditions governing the cancellation of the sale and warranty, if any.

2. The warrantor may only cancel the warranty if the warranty holder does any of the following:

(1) Fails to pay for the vehicle protection product;

(2) Makes a material misrepresentation to the seller or warrantor;

(3) Commits fraud; or

(4) Substantially breaches the warranty holder's duties under the warranty.

3. A warrantor canceling a warranty shall mail written notice of cancellation to the warranty holder at the last known address of the warranty holder in the warrantor's records at least thirty days prior to the effective date of the cancellation. The notice shall state the effective date of the cancellation and the reason for the cancellation.

385.424. 1. Unless licensed as an insurance company, a vehicle protection product warrantor shall not use in its name, contracts, or literature the words “insurance”, “casualty”, “surety”, “mutual”, or any other word that is descriptive of the insurance, casualty, or surety business or that is deceptively similar to the name or description of any insurance or surety corporation or any other vehicle protection product warrantor. A warrantor may use the term “guaranty” or a similar word in the warrantor's name. A warrantor or its representative shall not in its vehicle protection product warranties or literature make, permit, or cause to be made any false or misleading statement, or

deliberately omit any material statement that would be considered misleading if omitted, in connection with the sale, offer to sell, or advertisement of a vehicle protection product warranty.

2. A vehicle protection product seller or warrantor may not require as a condition of financing that a retail purchaser of a motor vehicle purchase a vehicle protection product.

385.427. 1. All vehicle protection product warrantors shall keep accurate accounts, books, and records concerning transactions regulated under sections 385.400 to 385.436.

2. A vehicle protection product warrantor's accounts, books, and records shall include:

(1) Copies of all vehicle protection product warranties;

(2) The name and address of each warranty holder; and

(3) Claims files which shall contain at least the dates, amounts, and descriptions of all receipts, claims, and expenditures.

3. A vehicle protection product warrantor shall retain all required accounts, books, and records pertaining to each warranty holder for at least three years after the specified period of coverage has expired. A warrantor discontinuing business in the state shall maintain its records until it furnishes the director satisfactory proof that it has discharged all obligations to warranty holders in this state.

4. Vehicle protection product warrantors shall make all accounts, books, and records concerning transactions regulated under sections 385.400 to 385.436 available to the director for examination.

385.430. 1. The director may conduct examinations of warrantors, administrators, or other persons to enforce sections 385.400 to 385.436 and protect warranty holders in this state. Upon request of the director, a warrantor shall make available to the director all accounts, books, and records concerning vehicle protection products provided by the warrantor that are necessary to enable the director to reasonably determine compliance or noncompliance with sections 385.400 to 385.436.

2. If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in An Act, practice, or course of business constituting a violation of sections 385.400 to 385.436 or a rule adopted or order issued pursuant thereto, or a person has materially aided or is materially aiding An Act, practice, omission, or course of business constituting a violation of sections 385.400 to 385.436 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of these sections is a level two violation under section 374.049, RSMo.

3. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in An Act, practice, or course of business constituting a violation of sections 385.400 to 385.436 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding An Act, practice, omission, or course of business constituting a violation of sections 385.400 to 385.436 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of these sections is a level two violation under section 374.049, RSMo.

385.433. The director may promulgate rules and regulations to implement the provisions of

sections 385.400 to 385.436. Such rules and regulations shall include disclosures for the benefit of the warranty holder, record keeping, and procedures for public complaints. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2009, shall be invalid and void.

385.436. Sections 385.400 to 385.436 applies to all vehicle protection products sold or offered for sale on or after January 1, 2009. The failure of any person to comply with sections 385.400 to 385.436 prior to January 1, 2009, shall not be admissible in any court proceeding, administrative proceeding, arbitration, or alternative dispute resolution proceeding and may not otherwise be used to prove that the action of any person or the affected vehicle protection product was unlawful or otherwise improper. The adoption of sections 385.400 to 385.436 does not imply that a vehicle protection product warranty was insurance prior to January 1, 2009. The penalty provision of sections 385.400 to 385.436 do not apply to any violation of sections 385.400 to 385.436 relating to or in connection with the sale or failure to disclose in a retail installment contract or lease, or contract or agreement that provides for payments under a vehicle protection product warranty so long as the sale of such product, contract, or agreement was otherwise disclosed to the purchaser in writing at the time of the purchase or lease.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947, Page 48, Section 577.023, Line 112, by inserting after all of said line the following:

“590.050. 1. The POST commission shall establish requirements for the continuing education of all peace officers. Peace officers who make traffic stops shall be required to receive [annual training] **three hours of training within the law enforcement continuing education three-year reporting period** concerning the prohibition against racial profiling and such training shall promote understanding and respect for racial and cultural differences and the use of effective, noncombative methods for carrying out law enforcement duties in a racially and culturally diverse environment.

2. The director shall license continuing education providers and may probate, suspend and revoke such licenses upon written notice stating the reasons for such action. Any person aggrieved by a decision of the director pursuant to this subsection may appeal as provided in chapter 536, RSMo.

3. The costs of continuing law enforcement education shall be reimbursed in part by moneys from the peace officer standards and training commission fund created in section 590.178, subject to availability of funds, except that no such funds shall be used for the training of any person not actively commissioned or employed by a county or municipal law enforcement agency.

4. The director may engage in any activity intended to further the professionalism of peace officers through training and education, including the provision of specialized training through the department of

public safety.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 930 and 947, Page10, Section 155.010, Line 13 by inserting after said line the following:

“226.525. 1. The state highways and transportation commission is directed to erect within the right-of-way of all classes of highways within the state signs and notices pertaining to publicly and privately owned natural wonders [and], scenic and historical attractions, **and tourist attractions as defined in subsection 3 of this section**, under the following conditions:

(1) Such signs shall not violate any federal law, rule, or regulation affecting the allocation of federal funds to the state of Missouri or which violate any safety regulation formally promulgated by the state highways and transportation commission.

(2) Such official signs shall be limited in content to the name of the attraction and necessary travel information.

(3) The state highways and transportation commission shall determine those sites and attractions for which directional and other official signs may be erected as permitted by Section 131 of Title 23, United States Code, which it deems of such importance as to justify such signing, using as a guide those publicly or privately owned natural wonders and scenic, historic, educational, cultural, or recreational sites which have been determined to be of general interest.

(4) The state highways and transportation commission may require reimbursement for the cost of erection and maintenance of the official directional signs authorized hereunder when sites or attractions are privately owned by other than the state or political subdivisions. The state highways and transportation commission shall prescribe the size, number and locations of such signs based upon its determination of the travelers' need for directional information.

2. The commission shall adopt rules to implement a program for the erection and maintenance of tourist-oriented directional signs within the right-of-way of state highways in the state. The tourist-oriented directional signs shall provide business identification and directional information for natural attractions and activities which, during a normal business season, derive a major portion of the income and visitors for the business or activity from motorists not residing in the immediate area of the business or activity.

Natural attractions and activities eligible for such tourist-oriented directional signs shall include, but not be limited to, caves, museums, wineries, antique business districts and tourist-oriented directional signs indicating the location of any veterans' memorial located at any college in such county provided that such signs are located on a highway known as the “Veterans' Memorial Highway” in any county of the first classification with a population of more than one hundred seventy thousand inhabitants but less than two hundred thousand inhabitants.

3. For purposes of this section, “tourist attraction” means a permanently established attraction or facility which attracts or is used by more than seven hundred fifty thousand visitors annually which appeals to the recreational desires and tastes of the traveling public through the presentation of services or devices designed to entertain or educate visitors and an established agri-tourism attraction whose products or services are regulated by the department of agriculture or a facility

which attracts or is used by more than ten thousand visitors annually which appeals to the educational and recreational desires of the traveling public.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947, Page 12, Section 227.400, Line 4, by inserting after all of said line the following:

“301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to 307.175, RSMo, the following terms mean:

(1) “All-terrain vehicle”, any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control;

(2) “Automobile transporter”, any vehicle combination designed and used specifically for the transport of assembled motor vehicles;

(3) “Axle load”, the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

(4) “Boat transporter”, any vehicle combination designed and used specifically to transport assembled boats and boat hulls;

(5) “Body shop”, a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;

(6) “Bus”, a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

(7) “Commercial motor vehicle”, a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;

(8) “Cotton trailer”, a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;

(9) “Dealer”, any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

(10) “Director” or “director of revenue”, the director of the department of revenue;

(11) “Driveaway operation”:

(a) The movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

(b) The movement of any vehicle or vehicles, not owned by the transporter, constituting the commodity being transported, by a person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the driveaway or towaway methods; or

(c) The movement of a motor vehicle by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not the person's own and vehicles of a type otherwise required to be registered, by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee designated by the shipper or consignor;

(12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer;

(13) "Farm tractor", a tractor used exclusively for agricultural purposes;

(14) "Fleet", any group of ten or more motor vehicles owned by the same owner;

(15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

(16) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;

(17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;

(18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;

(19) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

(20) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

(21) "Intersecting highway", any highway which joins another, whether or not it crosses the same;

(22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

(23) "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;

(24) "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:

(a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or

(b) An area that extends not more than a radius of fifty miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation.

Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a

commercial motor vehicle or local commercial motor vehicle;

(25) “Local commercial motor vehicle”, a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

(26) “Local log truck”, a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed the weight limits of section 304.180, RSMo, does not have more than four axles, and does not pull a trailer which has more than two axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimbing, debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local log truck. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

(27) “Local log truck tractor”, a commercial motor vehicle which is registered under this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, operates with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle does not exceed the weight limits contained in section 304.180, RSMo, and does not have more than three axles and does not pull a trailer which has more than two axles. Violations of axle weight limitations shall be subject to the load limit penalty as described for in sections 304.180 to 304.220, RSMo;

(28) “Local transit bus”, a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

(29) “Log truck”, a vehicle which is not a local log truck or local log truck tractor and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

(30) “Major component parts”, the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

(31) “Manufacturer”, any person, firm, corporation or association engaged in the business of

manufacturing or assembling motor vehicles, trailers or vessels for sale;

(32) “Mobile scrap processor”, a business located in Missouri or any other state that comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder or scrap metal operator for recycling;

(33) “Motor change vehicle”, a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;

(34) “Motor vehicle”, any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

(35) “Motor vehicle primarily for business use”, any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:

(a) Offered for hire or lease; or

(b) The owner of which also owns ten or more such motor vehicles;

(36) “Motorcycle”, a motor vehicle operated on two wheels;

(37) “Motorized bicycle”, any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;

(38) “Motortricycle”, a motor vehicle operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

(39) “Municipality”, any city, town or village, whether incorporated or not;

(40) “Nonresident”, a resident of a state or country other than the state of Missouri;

(41) “Non-USA-std motor vehicle”, a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

(42) “Operator”, any person who operates or drives a motor vehicle;

(43) “Owner”, any person, firm, corporation or association, who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this law;

(44) “Public garage”, a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business;

(45) “Rebuilder”, a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property;

(46) “Reconstructed motor vehicle”, a vehicle that is altered from its original construction by the

addition or substitution of two or more new or used major component parts, excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

(47) “Recreational motor vehicle”, any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered;

(48) “Rollback or car carrier”, any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service;

(49) “Saddlemount combination”, a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The “saddle” is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a “double saddlemount combination”. When three vehicles are towed in this manner, the combination is called a “triple saddlemount combination”;

(50) “Salvage dealer and dismantler”, a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

(51) “Salvage vehicle”, a motor vehicle, semitrailer, or house trailer which:

(a) Was damaged during a year that is no more than six years after the manufacturer's model year designation for such vehicle to the extent that the total cost of repairs to rebuild or reconstruct the vehicle to its condition immediately before it was damaged for legal operation on the roads or highways exceeds eighty percent of the fair market value of the vehicle immediately preceding the time it was damaged;

(b) By reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it;

(c) Has been declared salvage by an insurance company as a result of settlement of a claim;

(d) Ownership of which is evidenced by a salvage title; or

(e) Is abandoned property which is titled pursuant to section 304.155, RSMo, or section 304.157, RSMo, and designated with the words “salvage/abandoned property”.

The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, “fair market value” means the retail value of a motor vehicle as:

a. Set forth in a current edition of any nationally recognized compilation of retail values, including automated databases, or from publications commonly used by the automotive and insurance industries to establish the values of motor vehicles;

b. Determined pursuant to a market survey of comparable vehicles with regard to condition and equipment; and

c. Determined by an insurance company using any other procedure recognized by the insurance

industry, including market surveys, that is applied by the company in a uniform manner;

(52) “School bus”, any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

(53) “Shuttle bus”, a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

(54) “Special mobile equipment”, every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

(55) “Specially constructed motor vehicle”, a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

(56) “Stinger-steered combination”, a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

(57) “Tandem axle”, a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

(58) “Tractor”, “truck tractor” or “truck-tractor”, a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

(59) “Trailer”, any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term “trailer” shall not include cotton trailers as defined in subdivision (8) of this section and shall not include manufactured homes as defined in section 700.010, RSMo;

(60) “Truck”, a motor vehicle designed, used, or maintained for the transportation of property;

(61) “Truck-tractor semitrailer-semitrailer”, a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional “A dolly” connected truck-tractor semitrailer-trailer combination;

(62) “Truck-trailer boat transporter combination”, a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

(63) “Used parts dealer”, a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. “Business” does not include isolated sales at a swap meet of less than three days;

(64) **“Utility vehicle”, any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-three inches or less in width, with an unladen dry weight of one thousand eight hundred fifty pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes;**

(65) “Vanpool”, any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term “bus” or “commercial motor vehicle” as defined by subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a “chauffeur” as that term is defined by section 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

[(65)] (66) “Vehicle”, any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

[(66)] (67) “Wrecker” or “tow truck”, any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

[(67)] (68) “Wrecker or towing service”, the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.”; and

Further amend said bill, Page 30, Section 304.015, Line 69, by inserting after all of said line the following:

“304.032. 1. No person shall operate a utility vehicle, as defined in section 301.010, RSMo, upon the highways of this state, except as follows:

(1) Utility vehicles owned and operated by a governmental entity for official use;

(2) Utility vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation, unless equipped with proper lighting;

(3) Utility vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads when operated between the hours of sunrise and sunset;

(4) Governing bodies of cities may issue special permits for utility vehicles to be used on highways within the city limits by licensed drivers. Fees of fifteen dollars may be collected and retained by cities for such permits;

(5) Governing bodies of counties may issue special permits for utility vehicles to be used on county roads within the county by licensed drivers. Fees of fifteen dollars may be collected and retained by the counties for such permits.

2. No person shall operate a utility vehicle within any stream or river in this state, except that utility vehicles may be operated within waterways which flow within the boundaries of land which a utility vehicle operator owns, or for agricultural purposes within the boundaries of land which a utility vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

3. A person operating a utility vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle under subdivision (3) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than forty-five miles per hour.

4. No persons shall operate a utility vehicle:

(1) In any careless way so as to endanger the person or property of another; or

(2) While under the influence of alcohol or any controlled substance.

5. No operator of a utility vehicle shall carry a passenger, except for agricultural purposes. The provisions of this subsection shall not apply to any utility vehicle in which the seat of such vehicle is designed to carry more than one person.

6. A violation of this section shall be a class C misdemeanor. In addition to other legal remedies, the attorney general or county prosecuting attorney may institute a civil action in a court of competent jurisdiction for injunctive relief to prevent such violation or future violations and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947, Section 577.023, Page 48, Line 112 by inserting immediately after said Line the following:

“Section 1. The portion of state highway Business Route 54 within Audrain County which is located within the city limits of Mexico shall be designated as the “Christopher S. 'Kit' Bond Highway”.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947, Page 25, Section 302.720, Line 98, by inserting after all of said line the following:

“5. Notwithstanding the provisions of this section or any other law to the contrary, beginning August 28, 2008, the director of the department of revenue shall certify as a third-party tester any municipality that owns, leases, or maintains its own fleets that requires certain employees as a condition of employment to hold a valid commercial driver's license; and that administered in-house testing to such employees prior to August 28, 2006.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 11

Amend House Amendment No. 11 to House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947, Page 1, Section 227.397, Line 6 by inserting after all of said section the following:

“Further amend Bill, Page 12, Section 227.400, Line 4 by inserting after all of said line the following:

“233.155. 1. Whenever the inhabitants of any special road district already formed under sections 233.010 to 233.165 shall desire to extend the boundaries of such district to take in territory not included in the original district, and shall present a petition to the county commission of the county in which such district is located, or if the proposed district is to include portions of more than one county, then to the county commissions of each of such counties, signed by not less than thirty-five voters in the old district and not less than fifty percent of the voters in the territory proposed to be taken into said district, asking the county commission or commissions of such county or counties to submit the proposition of the proposed extension of such road district to a vote of the people of such proposed district for their adoption or rejection, the county commission of such county, or if the proposed district shall include parts of more than one county, the county commissions of all such counties, shall each make an order of record that the proposed extension of said road district under the provisions of this section, describing the same by its title and the date of its approval, and describing the boundaries of the district as proposed to be extended, be submitted to the voters of such proposed road district.

2. The question shall be submitted in substantially the following form:

Shall the special road district be extended?

3. If the territory of more than one county be included in said special road district, the county commission of each county in said district shall, as soon as the returns are in from said election, cause a certificate to be made out stating the number of votes cast for and against said proposition in said county, and cause such certificate to be filed with the county clerk of the county commission of every other county which shall form a part of said special road district. If it shall appear from the returns of said county and from said certificate that a majority of the votes cast upon the proposition in the whole proposed district be in favor of the extension of said road district, the county commission or county commissions in said proposed district shall declare the result of the vote thereon in said proposed district by an order of record, and shall make an order of record that the above specified road district laws shall extend to and be the law in such special road district, including the extension thereof, setting out the boundaries of said district as extended, the same to take effect and be in force from and after a day to be named in such order, said day to be not more than twenty days after said election.

4. If any territory added to any such original district be in any county outside of the county of such original district, each county outside of such original district may appoint one road commissioner to act with

the commissioners appointed in the county of the original district. Such commissioners so appointed outside of the county of the original district shall serve for a term of three years from the date of such appointment, and until their successors shall be appointed and qualified. Such commissioners shall be voters of such added territory in such county of their appointment. Except as herein provided, such commissioners shall be governed by sections 233.010 to 233.165. No change shall be made in the number of commissioners appointed by the county of the original district or in the manner of their appointment. **In any special road district located in two counties with an additional fourth commissioner appointed by the county outside of the original district as provided in this subsection, a fifth commissioner may be appointed by the same county that appointed the fourth commissioner. Except as herein provided, a fifth commissioner shall be governed by sections 233.010 to 233.165, shall serve for a term of three years from the date of the appointment and until the fifth commissioner's successor shall be appointed and qualified, and shall be a voter of the county of appointment.**

5. If a majority of the votes of the proposed district, as extended, be cast in favor of such extension, then the territory of such district, as extended, shall be governed by sections 233.010 to 233.165. But if such extension proposition shall not receive a majority of the votes of said district, as extended, then said special road district shall remain as it was before said petition was filed. Any special road district extended under the provisions of this section may be extended so that after such extension it shall not be more than seventeen miles square.”; and “; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947, Section 227.396, Page 12, Line 4 by inserting after all of said section the following:

“227.397. The portion of Interstate 55 in Jefferson County from the intersection of highway M to a point one mile south shall be designated the “Jeff McBride Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donations.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947, Section 302.177, Page 23, Line 56 by inserting immediately after said Line the following:

“302.341. 1. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which [he] the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against [him] the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the

defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall reinstate the license. The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section.

2. If any city, town, or village receives more than [forty-five] **thirty-five** percent of its [total] annual **general operating** revenue from fines **and court costs** for traffic violations occurring on state highways, all revenues from such violations in excess of [forty-five] **thirty-five** percent of the [total] annual **general operating** revenue of the city, town, or village shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed. For the purpose of this section the words "state highways" shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number. **If any city, town, or village fails to send such excess revenues to the director of the department of revenue in a timely fashion which shall be set forth by the director by rule, such city, town, or village may submit to an annual audit by the state auditor under the authority of article IV, section 13 of the Missouri Constitution. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.**

3. Subsection 2 of this section shall not apply before January 1, 2010, to any city, town, or village located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 13

Amend House Amendment No. 13 to House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947, Section 302.181, Page 5, Line 2 of said amendment by inserting after all of said line the following:

“(4) Applicants of this subsection shall not be charged with a ticket as a result of a red-light camera violation.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947, Section 302.177, Page 23, Line 56 by inserting immediately after said Line the following:

“302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic or other comparable material. All licenses shall be manufactured of materials and processes that will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge, or duplicate any license without ready detection. All licenses shall bear the licensee's Social Security number, if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that the licensee does not possess a Social Security number, or, if applicable, a certified statement must be submitted as provided in subsection 4 of this section. The license shall also bear the expiration date of the license, the classification of the license, the name, date of birth, residence address including the county of residence or a code number corresponding to such county established by the department, and brief description and colored photograph or digitized image of the licensee, and a facsimile of the signature of the licensee. The director shall provide by administrative rule the procedure and format for a licensee to indicate on the back of the license together with the designation for an anatomical gift as provided in section 194.240, RSMo, the name and address of the person designated pursuant to sections 404.800 to 404.865, RSMo, as the licensee's attorney in fact for the purposes of a durable power of attorney for health care decisions. No license shall be valid until it has been so signed by the licensee. If any portion of the license is prepared by a private firm, any contract with such firm shall be made in accordance with the competitive purchasing procedures as established by the state director of the division of purchasing. For all licenses issued or renewed after March 1, 1992, the applicant's Social Security number shall serve as the applicant's license number. Where the licensee has no Social Security number, or where the licensee is issued a license without a Social Security number in accordance with subsection 4 of this section, the director shall issue a license number for the licensee and such number shall also include an indicator showing that the number is not a Social Security number.

2. All film involved in the production of photographs for licenses shall become the property of the department of revenue.

3. The license issued shall be carried at all times by the holder thereof while driving a motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any police officer or peace officer, or any other duly authorized person, for inspection when demand is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any duly authorized officer shall be presumptive evidence that such person is not a duly licensed operator.

4. The director of revenue shall issue a commercial or noncommercial driver's license without a Social Security number to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a certified statement that the applicant objects to the display of the Social Security number on the license. The director shall assign an identification number, that is not based on a Social Security number, to the applicant which shall be displayed on the license in lieu of the Social Security number.

5. The director of revenue shall not issue a license without a facial photograph or digital image of the license applicant, except as provided pursuant to subsection 8 of this section. A photograph or digital image of the applicant's full facial features shall be taken in a manner prescribed by the director. No photograph or digital image will be taken wearing anything which cloaks the facial features of the individual.

6. The department of revenue may issue a temporary license or a full license without the photograph or with the last photograph or digital image in the department's records to members of the armed forces, except that where such temporary license is issued it shall be valid only until the applicant shall have had time to appear and have his or her picture taken and a license with his or her photograph issued.

7. The department of revenue shall issue upon request a nondriver's license card containing essentially the same information and photograph or digital image, except as provided pursuant to subsection 8 of this section, as the driver's license upon payment of six dollars. All nondriver's licenses shall expire on the applicant's birthday in the sixth year after issuance. A person who has passed his or her seventieth birthday shall upon application be issued a nonexpiring nondriver's license card. The nondriver's license card shall be used for identification purposes only and shall not be valid as a license.

8. If otherwise eligible, an applicant may receive a driver's license or nondriver's license without a photograph or digital image of the applicant's full facial features except that such applicant's photograph or digital image shall be taken and maintained by the director and not printed on such license. In order to qualify for a license without a photograph or digital image pursuant to this section the applicant must:

(1) Present a form provided by the department of revenue requesting the applicant's photograph be omitted from the license or nondriver's license due to religious affiliations. The form shall be signed by the applicant and another member of the religious tenant verifying the photograph or digital image exemption on the license or nondriver's license is required as part of their religious affiliation. The required signatures on the prescribed form shall be properly notarized;

(2) Provide satisfactory proof to the director that the applicant has been a U.S. citizen for at least five years and a resident of this state for at least one year, except that an applicant moving to this state possessing a valid driver's license from another state without a photograph, shall be exempt from the one-year state residency requirement. The director may establish rules necessary to determine satisfactory proof of citizenship and residency pursuant to this section;

(3) Applications for a driver's license or nondriver's license without a photograph or digital image must be made in person at a license office determined by the director. The director is authorized to limit the number of offices that may issue a driver's or nondriver's license without a photograph or digital image pursuant to this section.

9. The department of revenue shall make available, at one or more locations within the state, an opportunity for individuals to have their full facial photograph taken by an employee of the department of revenue, or their designee, who is of the same sex as the individual being photographed, in a segregated location.

10. An applicant who desires to receive a driver's license or nondriver's license without a photograph under subsection 8 of this section may receive such a driver's license or nondriver's license without having his or her photograph or digital image taken and maintained by the director provided that the applicant:

(1) Complies with all of the provisions of subsection 8 of this section except for the provision requiring the applicant's photograph or digital image be taken and maintained by the director;

(2) Submits a set of fingerprints in a format prescribed by the director upon application for the driver's license or nondriver's license. The fingerprints shall be maintained by the director in a manner prescribed by the director and shall be accessible to the Missouri highway patrol and other law enforcement officers as established by rule. The applicant shall pay a twenty five dollar fee for the submission of such fingerprints; and

(3) Presents evidence satisfactory to the director that the applicant is exempt from paying social security and Medicare taxes because the applicant is a member of a recognized religious group that:

(a) Has existed continuously since December 31, 1950;

(b) Conscientiously opposes accepting benefits of any private or public insurance that makes payments in the event of death, disability, old age, or retirement or that makes payments for the cost of medical care or provides services for medical care including the benefits of any insurance system established by the social security act and Medicare benefits; and

(c) Provides a reasonable level of living for its dependent members.

For purposes of this subdivision, a Form 4029, or a copy thereof, approved by the Internal Revenue Service shall be considered satisfactory evidence.

11. Beginning July 1, 2005, the director shall not issue a driver's license or a nondriver's license for a period that exceeds an applicant's lawful presence in the United States. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant and establish the duration of any driver's license or nondriver's license issued under this section.

[11.] 12. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall become effective unless it is promulgated pursuant to the provisions of chapter 536, RSMo.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 930 and 947, Section 304.015, Page 30, Line 69, by inserting the following after all of said line:

“304.130. 1. For the purpose of promoting the public safety, health and general welfare and to protect life and property, the county commission in all counties of the first class, is empowered to adopt, by order or ordinance, regulations to control vehicular traffic upon the public roads and highways in the unincorporated territory of such counties and to establish reasonable speed regulations in congested areas upon such public roads and highways in the unincorporated territory of such counties. Such regulations shall not be inconsistent with the provisions of the general motor vehicle laws of this state.

2. Except as provided in subsection 3 of this section, before the adoption of such regulations, the county commission shall hold at least three public hearings thereon, fifteen days' notice of the time and place of which shall be published in at least two newspapers having a general circulation within the county, and notice of such hearing shall also be posted at least fifteen days in advance thereof in four conspicuous places in the county; provided, however, that any regulations respecting stop signs, signal lights and speed

limits on state or federal highways shall be approved by the state highways and transportation commission before the same shall become effective.

3. Regulations relating solely to increasing speed limits shall be exempt from the procedural requirements of subsection 2 of this section and shall take effect immediately upon approval of the county commission.

4. The regulations adopted shall be codified, printed and distributed for public use; provided, however, that adequate signs displaying the speed limit must be posted along the highways at the points along such highways where such speed limits begin and end.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 15

Amend House Amendment No. 15 to House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947, by inserting in the correct place the following:

“Further amend said bill, Page 12, Section 227.103, Line 15, by inserting after all of said line the following:

“227.378. The Table Rock Lake bridge on Highway 39 in the census designated place with more than one thousand three hundred but fewer than one thousand four hundred inhabitants and partially located in any county of the third classification without a township form of government and with more than thirty-four thousand but fewer than thirty-four thousand one hundred inhabitants shall be designated the “State Senator Larry Gene Taylor Memorial Bridge”.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947, Page 45, Section 390.372, Line 24, by inserting after all of said line the following:

“565.076. 1. A person commits the crime of assault of an employee of a mass transit system while in the scope of his or her duties in the first degree if such person attempts to kill or knowingly causes or attempts to cause serious physical injury to an employee of a mass transit system while in the scope of his or her duties.

2. As used in this section, “mass transit system”, includes employees of public bus and light rail companies.

3. Assault of an employee of a mass transit system in the first degree is a class B felony.

565.077. 1. A person commits the crime of assault of an employee of a mass transit system while in the scope of his or her duties in the second degree if such person:

(1) Knowingly causes or attempts to cause physical injury to an employee of a mass transit system while in the scope of his or her duties by means of a deadly weapon or dangerous instrument;

(2) Knowingly causes or attempts to cause physical injury to an employee of a mass transit system

while in the scope of his or her duties by means other than a deadly weapon or dangerous instrument;

(3) Recklessly causes serious physical injury to an employee of a mass transit system while in the scope of his or her duties; or

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and when so operating, acts with criminal negligence to cause physical injury to an employee of a mass transit system while in the scope of his or her duties;

(5) Acts with criminal negligence to cause physical injury to an employee of a mass transit system while in the scope of his or her duties by means of a deadly weapon or dangerous instrument;

(6) Purposely or recklessly places an employee of a mass transit system while in the scope of his or her duties in apprehension of immediate serious physical injury; or

(7) Acts with criminal negligence to create a substantial risk of death or serious physical injury to an employee of a mass transit system while in the scope of his or her duties.

2. As used in this section, “mass transit system”, includes employees of public bus and light rail companies.

3. Assault of an employee of a mass transit system while in the scope of his or her duties in the second degree is a class C felony unless committed under subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class B felony.

565.078. 1. A person commits the crime of assault of an employee of a mass transit system while in the scope of his or her duties in the third degree if:

(1) Such person recklessly causes physical injury to an employee of a mass transit system while in the scope of his or her duties;

(2) Such person purposely places an employee of a mass transit system while in the scope of his or her duties in apprehension of immediate physical injury;

(3) Such person knowingly causes or attempts to cause physical contact with an employee of a mass transit system while in the scope of his or her duties without the consent of the employee of the mass transit system.

2. As used in this section, “mass transit system”, includes employees of public bus and light rail companies.

3. Assault of an employee of a mass transit system while in the scope of his or her duties in the third degree is a class B misdemeanor.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947, Section 302.171, Page 21, Line 96, by inserting after “9.” the following:

“Notwithstanding any provision of this chapter, for the renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, a photocopy of an applicant's birth certificate along with another form of identification approved by the department of revenue,

including, but not limited to, United States military identification or United States military discharge papers, shall constitute sufficient proof of lawful presence.

10.”; and

Further amend said Section and Page, Line 97, by inserting “**or 9**” after “8”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947, Page 33, Section 304.180, Line 118, by inserting at the end of said line:

“The additional weight increase allowed under this subsection shall only be applicable if the idle reduction technology is manufactured in the United States.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 930 and 947, Page 15, Section 301.130, Line 107, by inserting after said line the following:

“302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;

(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any federal interstate highway shall wear protective headgear at all times the vehicle is in motion, regardless of such person's age. The provisions of this subsection shall expire August 28, 2013.

3. Every person who is under twenty-one years of age operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

[3.] **4.** Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a class C misdemeanor and the penalty for failure to wear protective headgear as required by subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947, Section 301.130, Page 15, Line 107 by inserting after all of said line the following:

“301.571. 1. For purposes of this section, the following terms mean:

(1) “Mobility motor vehicle”, a motor vehicle that is designed and equipped to transport a person with a disability and:

(a) Contains a lowered floor or lowered frame, or a raised roof and raised door;

(b) Contains an electronic or mechanical wheelchair, scooter, or platform lift that enables a person to enter or exit the vehicle while occupying a wheelchair or scooter; an electronic or mechanical wheelchair ramp; or a system to secure a wheelchair or scooter to allow for a person to be safely transported while occupying the wheelchair or scooter; and

(c) Is installed as an integral part or permanent attachment to the motor vehicle chassis;

(2) “Mobility motor vehicle dealer”, a dealer who is licensed as a new or used motor vehicle dealer under this chapter who is engaged in the business of buying, selling, or exchanging mobility motor vehicles and servicing or repairing mobility motor vehicles at an established and permanent place of business.

2. Notwithstanding any other law, a mobility motor vehicle dealer may:

(1) Purchase or otherwise acquire a new motor vehicle from a franchised dealer to fit or equip the motor vehicle for retail sale as a mobility motor vehicle;

(2) Display a new motor vehicle to a person with a disability to fit or equip the vehicle as a mobility motor vehicle for the person; or

(3) Resell a new motor vehicle that has been fitted or equipped as a new mobility motor vehicle without the resale occurring through or by a franchised dealer.

3. A mobility motor vehicle dealer who purchased or acquired a new motor vehicle from a franchised dealer to equip the vehicle as a mobility vehicle shall not advertise the vehicle for resale until the vehicle is fitted or equipped as a mobility motor vehicle.

4. A mobility motor vehicle dealer shall not, except as permitted by subdivision (2) of subsection

2 of this section, display or offer to display a new motor vehicle that is not a mobility motor vehicle to the public.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 20

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947, Page 30, Section 304.015, Line 69, by inserting after all of said line the following:

“304.034. 1. Notwithstanding any other law to the contrary, a neighborhood electric vehicle may be operated only upon a street or highway for which the posted speed limit is thirty-five miles per hour or less. A neighborhood electric vehicle may cross a road or street at an intersection where the road or street has a posted speed limit of more than thirty-five miles per hour. For purposes of this section, “neighborhood electric vehicle” means a vehicle subject to the federal motor vehicle safety standards in 49 CFR 571.500.

2. A county or municipality may prohibit the operation of a neighborhood electric vehicle on a street or highway if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

3. The department of transportation may prohibit the operation of a neighborhood electric vehicle on a highway if that department determines that the prohibition is necessary in the interest of safety.

4. The department of revenue may adopt rules relating to the registration and issuance of license plates to neighborhood electric vehicles. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 21

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947, Page 12, Section 227.400, Line 4, by inserting after all of said line the following:

“238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

(1) “Board”, the board of directors of a district;

(2) “Commission”, the Missouri highways and transportation commission;

(3) “District”, a transportation development district organized under sections 238.200 to 238.275;

(4) “Local transportation authority”, a county, city, town, village, county highway commission, special road district, interstate compact agency, or any local public authority or political subdivision having

jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake or river port, airport, railroad, light rail or other transit improvement or service;

(5) “Project” includes any bridge, street, road, highway, access road, interchange, intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or other mass transit and any similar or related improvement or infrastructure.

2. For the purposes of sections 11(c), 16 and 22 of article X of the Constitution of Missouri, section 137.073, RSMo, and as used in sections 238.200 to 238.275, the following terms shall have the meanings given:

(1) “Approval of the required majority” or “direct voter approval”, a simple majority;

(2) “Qualified electors”, “qualified voters” or “voters”[.]:

(a) Within [the] a proposed or established district, **except for a district proposed under subsection 1 of section 238.207**, any persons residing therein who have registered to vote pursuant to chapter 115, RSMo[, and]; or

(b) **Within a district proposed or established under subsection 1 of section 238.207 which has no persons residing therein who have registered to vote pursuant to chapter 115, RSMo**, the owners of record of all real property located in the district, who shall receive one vote per acre, provided that [any] if a registered voter [who also owns property] **subsequent to the creation of the district becomes a resident within the district and obtains ownership of property within the district, such registered voter** must elect whether to vote as an owner of real property or as a registered voter, **which election once made cannot thereafter be changed**;

(3) “Registered voters”, persons qualified and registered to vote pursuant to chapter 115, RSMo.

238.207. 1. Whenever the creation of a district is desired, not less than fifty registered voters from each county partially or totally within the proposed district may file a petition requesting the creation of a district. However, if no persons eligible to be registered voters reside within the district, the owners of record of all of the real property, except public streets, located within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of any county partially or totally within the proposed district.

2. Alternatively, the governing body of any local transportation authority within any county in which a proposed project may be located may file a petition in the circuit court of that county, requesting the creation of a district.

3. The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties; provided:

(1) Property separated only by public streets, easements or rights-of-way shall be considered contiguous;

(2) In the case of a district formed pursuant to a petition filed by the owners of record of all of the real property located within the proposed district, the proposed district area need not contain contiguous properties if:

(a) The petition provides that the only funding method for project costs will be a sales tax;

(b) The court finds that all of the real property located within the proposed district will benefit by the projects to be undertaken by the district; and

(c) Each parcel within the district is within five miles of every other parcel; and

(3) In the case of a district created pursuant to subsection 5 of this section, property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

4. The petition shall set forth:

(1) The name, voting residence and county of residence of each individual petitioner, or, if no persons eligible to be registered voters reside within the proposed district, the name and address of each owner of record of real property located within the proposed district, or shall recite that the petitioner is the governing body of a local transportation authority acting in its official capacity;

(2) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(3) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(4) A general description of each project proposed to be undertaken by that district, including a description of the approximate location of each project;

(5) The estimated project costs and the anticipated revenues to be collected from the project;

(6) The name of the proposed district;

(7) The number of members of the board of directors of the proposed district, which shall be not less than five or more than fifteen;

(8) A statement that the terms of office of initial board members shall be staggered in approximately equal numbers to expire in one, two or three years;

(9) If the petition was filed by registered voters or by a governing body, a request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop a specified project or projects;

(10) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the funding proposal be submitted to the qualified voters within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and

(11) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

5. (1) As an alternative to the methods described in subsections 1 and 2 of this section, if two or more local transportation authorities have adopted resolutions calling for the joint establishment of a district, the governing body of any one such local transportation authority may file a petition in the circuit court of any county in which the proposed project is located requesting the creation of a district; **or, if not less than fifty registered voters from each of two or more counties sign a petition calling for the joint establishment**

of a district for the purpose of developing a project that lies in whole or in part within those same counties, the petition may be filed in the circuit court of any of those counties in which not less than fifty registered voters have signed the petition.

(2) The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

(3) The petition shall set forth:

(a) That the petitioner is the governing body of a local transportation authority acting in its official capacity; **or, if the petition was filed by obtaining the signatures of not less than fifty registered voters in each of two or more counties, it shall set forth the name, voting residence, and county of residence of each individual petitioner;**

(b) The name of each local transportation authority within the proposed district. The resolution of the governing body of each local transportation authority calling for the joint establishment of the district shall be attached to the petition;

(c) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(d) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(e) A general description of each project proposed to be undertaken by the district, including a description of the approximate location of each project;

(f) The name of the proposed district;

(g) The number of members of the board of directors of the proposed district;

(h) A request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop the projects described in the petition;

(I) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the imposition of the funding proposal be submitted to the qualified voters residing within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and

(j) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

238.210. 1. Within thirty days after the petition is filed, the circuit court clerk shall serve a copy of the petition on the respondents who shall have thirty days after receipt of service to file an answer stating agreement with or opposition to the creation of the district. If any respondent files its answer opposing the creation of the district, it shall recite legal reasons why the petition is defective, why the proposed district is illegal or unconstitutional, or why the proposed method for funding the district is illegal or unconstitutional. The respondent shall ask the court for a declaratory judgment respecting these issues. The answer of each respondent shall be served on each petitioner and every other respondent named in the

petition. Any resident, taxpayer, any other entity, or any local transportation authority within the proposed district may join in or file a petition supporting or answer opposing the creation of the district and seeking a declaratory judgment respecting these same issues within thirty days after the date notice is last published by the circuit clerk.

2. The court shall hear the case without a jury. If the court shall thereafter determine the petition is defective or the proposed district is illegal or unconstitutional, or shall be an undue burden on any owner of property within the district or is unjust and unreasonable, it shall enter its declaratory judgment to that effect and shall refuse to make the certifications requested in the pleadings. If the court determines that any proposed funding method is illegal or unconstitutional, it shall enter its judgment striking that funding method in whole or part. If the court determines the petition is not legally defective and the proposed district and method of funding are neither illegal nor unconstitutional, the court shall enter its judgment to that effect. If the petition was filed by registered voters or by a governing body, the court shall then certify the questions regarding district creation, project development, and proposed funding for voter approval. If the petition was filed by a governing body, **or by no less than fifty registered voters of two or more counties**, pursuant to subsection 5 of section 238.207, the court shall then certify the single question regarding district creation, project development, and proposed funding for voter approval. If the petition was filed by the owners of record of all of the real property located within the proposed district, the court shall declare the district organized and certify the funding methods stated in the petition for qualified voter approval; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230. In either case, if no objections to the petition are timely filed, the court may make such certifications based upon the pleadings before it without any hearing.

3. Any party having filed an answer or petition may appeal the circuit court's order or declaratory judgment in the same manner provided for other appeals. **The circuit court shall have continuing jurisdiction to enter such orders as are required for the administration of the district after its formation.**"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 23

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 930 and 947, Section A, Page 1, Line 6 by inserting after all of said line the following:

"142.814. 1. Motor fuel sold to be used to operate school buses to transport students to or from school or to transport students to or from any place for educational purposes is exempt from the fuel tax imposed by this chapter. As used in this section, "school buses" shall have the same meaning as section 302.010, RSMo.

2. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references

accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 24

Amend House Amendment 24 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 930, Page 8, Line 5, by inserting after the phrase “**RSMo.**”, the following:

“304.830. Notwithstanding any provision of law to the contrary, any revenue received by a county, city, town, village, municipality, state agency, or other political subdivision of this state from fines assessed for red light violations that are detected and enforced through an automated photo red light enforcement system shall be deposited in the state school moneys fund established under 166.051, RSMo.”; and

Further amend said Bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 24

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947, Section 301.130, Page 15, Line 107 by inserting after all of said Line the following:

“301.161. 1. The provisions of sections 301.161 to 301.164 shall be known as the “Missouri Universal Red Light Enforcement Act” (MURLE). No motor vehicle registration fees shall be charged under sections 301.161 to 301.164. For the purposes of sections 301.161 to 301.164, the following terms mean:

(1) “Agency”, any county, city, town, village, municipality, state agency, or other political subdivision of this state that is authorized to issue a notice of violation for a violation of a state or local traffic law or regulation;

(2) “Automated photo red light enforcement system” or “system”, a device owned by an agency consisting of a camera or cameras and vehicle sensor or sensors, installed to work in conjunction with a traffic control signal;

(3) “Owner”, the owner of a motor vehicle as shown on the motor vehicle registration records of the Missouri department of revenue or the analogous department or agency of another state or country. The term “owner” includes:

(a) A lessee of a motor vehicle under a lease of six months or more; or

(b) The lessee of a motor vehicle rented or leased from a motor vehicle rental or leasing company, but does not include the motor vehicle rental or leasing company itself.

If there is more than one owner of the motor vehicle, the primary owner will be deemed the owner. If no primary owner is named, the first-listed owner will be deemed the owner;

(4) “Recorded image”, an image recorded by an automated photo red light enforcement system that depicts the rear view of a motor vehicle and is automatically recorded by a high-resolution camera as a digital image;

(5) “Steady red signal indication violation” or “violation”, a violation of a steady red signal indication under sections 304.271 and 304.281 or substantially similar agency ordinance or traffic

laws;

(6) “Traffic control signal”, a traffic control device that displays alternating red, yellow, and green lights intended to direct traffic as when to stop at or proceed through an intersection.

2. All automated photo red light enforcement systems shall be registered with the Missouri department of transportation prior to installation. The department of transportation shall collect a one-time registration fee of five hundred dollars per light and all registration fees collected shall be deposited in the “Red Light Enforcement Fund” hereby established. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used to conduct audits to ensure agency compliance with the provisions of sections 304.271 to 304.281, including, but not limited to, ensuring that the agency is distributing the fines collected as required under section 301.162. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. No agency shall use an automated photo red light enforcement system unless the system is capable of producing at least two high-resolution color digital recorded images that show:

(1) The traffic control signal while it is emitting a steady red signal;

(2) The offending vehicle; and

(3) The rear license plate of the offending vehicle. One of the images must be of sufficient resolution to show clearly, while the vehicle is in the intersection and while the traffic signal is emitting a steady red signal, all three elements set forth in this subdivision and subdivisions (1) and (2) of this subsection.

4. The automated photo red light enforcement system shall not capture images of the front license plate of the motor vehicle.

5. The automated photo red light enforcement system shall utilize a video recording component which shall record the local time at which the two violation images were captured, as well as at least five seconds before and at least five seconds after the violation event.

6. No system may photograph or otherwise capture an image of the driver's face.

7. Agencies that utilize automated photo red light enforcement systems to detect and enforce steady red signal indication violations are subject to the conditions and limitations specified in sections 301.161 to 301.164.

8. Prior to activation of the system at an intersection:

(1) If not already present, the roadway first must be clearly marked with a white stripe indicating the stop line and the perimeter of the intersection;

(2) Warning signs shall be installed within five hundred feet of the white stripe indicating the stop line;

(3) Signal phase timings at intersections equipped with a system shall be certified by the Missouri department of transportation before the automated photo red light enforcement systems may be

activated for enforcement purposes and any adjustment to such timing shall be made only by a department of transportation traffic engineer. The department of transportation shall also certify that the green light is not arbitrarily short. If an agency alters the signal phase timing at an intersection without prior written approval from the Missouri department of transportation and without certification by the department of transportation traffic engineer, the agency shall be assessed a municipal fine of fifty thousand dollars for a first offense and the red light device shall be removed upon a subsequent violation. In no case shall a private vendor have the ability to control the signal phase timing connected with a system.

9. Prior to installing the automated photo red light enforcement system, the agency shall give notice of the intersection where the system will be located and of the date on which the system will begin to monitor the intersection. The agency shall give reasonable notice at least fourteen days prior to the installation of the system in a newspaper of general circulation throughout the political subdivision served by the agency.

10. Any agency that implements a system shall submit an annual report to the Missouri department of transportation. The report shall include, at a minimum:

- (1) The number of intersections enforced by active systems;
- (2) The number of notices of violation mailed;
- (3) The number of notices of violation paid;
- (4) The number of hearings; and
- (5) The total revenue collected as a result of the program.

Any agency failing to complete the annual report required under this subsection within forty-five days of the time such report is due shall be assessed a fine of fifty thousand dollars and all automated photo red light enforcement systems shall be removed from the agency's jurisdiction.

11. Within three years of the establishment of an automated photo traffic law enforcement program, the implementing jurisdiction shall initiate a formal evaluation of the program to determine the program's impact on traffic safety. That evaluation shall be completed within one year.

12. An agency that establishes an automated photo red light enforcement system shall enter into an agreement or agreements for the purpose of compensating a private vendor to perform operational and administrative tasks associated with the use of such system. The notice of violation issued under section 301.162, however, shall not be issued by a private vendor. Any compensation paid to a private vendor shall not be based upon the number of violations mailed, the number of citations issued, or the number of violations paid. The compensation paid to a private vendor shall be based upon the value of the equipment and the services provided or rendered in support of the system.

301.162. 1. Before a notice may be issued, all violation images produced by a system shall be reviewed and approved by a law or code enforcement officer employed by the agency in which the alleged violation occurred. Such review and acceptance shall be based on a full review of the images that clearly demonstrate a violation.

2. Based on inspection of recorded images produced by a system, a notice of violation or copy of such notice alleging that the violation occurred and signed manually or digitally by a duly authorized

agent of the agency shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under sections 301.161 to 301.164.

3. An agency shall mail or cause to be mailed a notice of violation by certified mail to the owner of the motor vehicle, which notice shall include, in addition to the requirements of supreme court rule no. 37:

(1) The name and address of the owner of the vehicle;

(2) The registration number of the motor vehicle involved in the violation;

(3) A copy of the two recorded images and a zoomed and cropped image of the vehicle license plate which was extracted from one of the two images;

(4) Information advising the registered owner of how he or she can review the video, photographic, and recorded images that captured the alleged violation. The agency may provide access to the video and other recorded images through the Internet. If access to the video and other recorded images is provided through the Internet, the agency shall ensure that such video and recorded images are accessible only to the registered owner through a password-protected system;

(5) A manually or digitally signed statement by a law or code enforcement officer employed by the agency that, based on inspection of the two recorded images and video sequence, the motor vehicle was operated in violation of a traffic control device or prevailing traffic laws or statutes;

(6) Information advising the registered owner of the manner, time, and place in which liability as alleged in the notice of violation may be contested, and warning that failure to pay the civil penalty or to contest liability within fourteen days from the mailing of notice is an admission of liability; and

(7) Information advising the registered owner that he or she may file an affidavit under subsection 8 of this section stating that he or she was not the operator of the vehicle at the time of the violation.

4. A notice of violation issued under this section shall be mailed no later than three business days after the violation was recorded by the automated photo red light enforcement system. The issuance of a notice of violation under this section shall be made by the agency, and shall not be subcontracted to a third party.

5. The civil penalties and court costs imposed for a violation detected and enforced pursuant to a system shall not exceed an amount that would have been imposed if the violation had been detected by a law enforcement officer present when the violation occurred. In no event shall the combined fine and court costs exceed one hundred dollars. Any revenue generated from fines collected under this section shall be distributed as follows:

(1) One-third to the agency;

(2) One-third to the private vendor performing the operational and administrative tasks associated with the use of an automated photo red light enforcement system; and

(3) One-third to the local school district where the infraction occurred.

Revenue distributed to schools shall not be distributed through the school funding mechanisms of section 163.031, RSMo. The chief elected official of any agency failing to distribute the funds as

directed under this subsection shall be subject to criminal liability.

6. Notwithstanding any provision of law to the contrary, including but not limited to, sections 304.271, 304.281, 304.361, and 304.570, any person who commits a steady red light violation that is detected and enforced through an automated photo red light enforcement system is guilty of an infraction. A penalty imposed by an agency for a violation detected pursuant to a system shall not be deemed a moving violation and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall such imposition of a penalty be subject to merit rating for insurance purposes and no surcharge points shall be imposed in the provision of motor vehicle insurance coverage. In no case shall points be assessed against any person under section 302.302, RSMo, for a violation detected by an automated photo red light enforcement system.

7. Payment of the established fine and any applicable civil penalties shall operate as a final disposition of the case. Payment of the fine and any penalties, whether before or after hearing, by one motor vehicle owner shall be satisfaction of the fine as to all other motor vehicle owners of the same motor vehicle for the same violation.

8. In the prosecution of a steady red signal indication violation under sections 304.286 to 304.289, the agency shall have the burden of proving that the vehicle described in the notice of violation issued under this section was operated in violation of sections 301.161 to 301.164 and that the defendant was at the time of such violation the owner and the driver of such vehicle. The agency shall not enter into any plea-bargaining agreements in relation to any violation occurring under sections 301.161 to 301.164.

301.163. 1. For each automated photo red light enforcement system that is installed at an intersection by an agency, during the first thirty days the system is monitoring an intersection, the agency shall issue only warning notices and shall not issue any ticket or citation for any violation detected by the system.

2. No agency shall employ the use of a photo radar system to enforce speeding violations. As used in this subsection, the term “photo radar system” shall mean a device used primarily for highway speed limit enforcement substantially consisting of a radar unit linked to a camera, which automatically produces a photograph of a motor vehicle traveling in excess of the legal speed limit.

301.164. Photographic and other recorded evidence obtained through the use of automated photo red light enforcement devices shall be maintained according to law and shall be maintained by the appropriate agency for a period of at least three years. Such photographic and other recorded evidence obtained through the use of an automated photo red light enforcement system shall be confidential and shall not be deemed a “public record” under section 610.010, RSMo, and shall not be subject to the provisions of section 109.180, RSMo, or chapter 610, RSMo.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 25

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 and 947, Section 390.372, Page 45, Line 24, by inserting immediately after said line the following:

“565.082. 1. A person commits the crime of assault of a law enforcement officer, emergency personnel,

highway worker in a construction zone or work zone, or probation and parole officer in the second degree if such person:

(1) Knowingly causes or attempts to cause physical injury to a law enforcement officer, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer by means of a deadly weapon or dangerous instrument;

(2) Knowingly causes or attempts to cause physical injury to a law enforcement officer, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer by means other than a deadly weapon or dangerous instrument;

(3) Recklessly causes serious physical injury to a law enforcement officer, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer; or

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and when so operating, acts with criminal negligence to cause physical injury to a law enforcement officer, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer;

(5) Acts with criminal negligence to cause physical injury to a law enforcement officer, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer by means of a deadly weapon or dangerous instrument;

(6) Purposely or recklessly places a law enforcement officer, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer in apprehension of immediate serious physical injury; or

(7) Acts with criminal negligence to create a substantial risk of death or serious physical injury to a law enforcement officer, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer.

2. As used in this section, “emergency personnel” means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), and (17) of section 190.100, RSMo.

3. As used in this section, the terms “**highway worker**”, “**construction zone**” or “**work zone**” shall have the same meaning as such terms are defined in section 304.580, RSMo.

4. Assault of a law enforcement officer, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer in the second degree is a class B felony unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class C felony. **For any violation of subdivision (1), (3) or (4) of subsection 1 of this section, the defendant must serve mandatory jail time as part of his or her sentence.”**

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2279**, as amended. Representatives: Wright, Schoeller, Emery, Walsh and Skaggs.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 31**.

Senator Dempsey assumed the Chair.

HOUSE BILLS ON THIRD READING

HCS for **HB 1341**, entitled:

An Act to amend chapter 316, RSMo, by adding thereto one new section relating to liability insurance of a for-profit private swimming pool or facility, with a penalty provision and an emergency clause.

Was called from the Informal Calendar and taken up by Senator Nodler.

On motion of Senator Nodler, **HCS** for **HB 1341** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Days	Dempsey	Engler
Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Koster	Loudon
Mayer	McKenna	Nodler	Ridgeway	Rupp	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—27					

NAYS—Senators

Barnitz	Crowell	Kennedy	Lager	Purgason	Scott—6
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Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Clemens	Days	Dempsey	Engler	Gibbons
Goodman	Graham	Green	Griesheimer	Koster	Lager	Loudon	Mayer
McKenna	Nodler	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—27					

NAYS—Senators

Barnitz	Champion	Crowell	Justus	Kennedy	Purgason—6
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Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Callahan moved that **HB 2081**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HB 2081** was again taken up.

Senator Callahan offered **SS** for **SCS** for **HB 2081**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2081

An Act to repeal sections 190.107, 194.119, 194.233, 333.011, 334.500, 334.506, 334.530, 334.540, 334.550, 334.560, 334.570, 334.610, 334.650, 334.655, 334.660, 334.665, 334.670, 334.675, 339.010, 339.150, and 376.811, RSMo, and to enact in lieu thereof thirty-four new sections relating to professional services, with penalty provisions.

Senator Callahan moved that **SS** for **SCS** for **HB 2081** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2081, Page 70, Section 367.811, Line 5 of said page, by inserting after all of said line the following:

“436.005. As used in sections 436.005 to [436.071] **436.072**, unless the context otherwise requires, the following terms shall mean:

(1) “Beneficiary”, the individual who is to be the subject of the disposition and who will receive funeral services, facilities or merchandise described in a preneed contract;

(2) “Division”, the division of professional registration of the department of [economic development] **insurance, financial institutions and professional registration**;

(3) “Funeral merchandise”, caskets, grave vaults, or receptacles, and other personal property incidental to a funeral or burial service, and such term shall also include grave lots, grave space, grave markers, monuments, tombstones, crypts, niches or mausoleums if, but only if, such items are sold:

(a) By a companion agreement which is sold in contemplation of trade or barter for grave vaults or funeral or burial services and funeral merchandise; or

(b) At prices, in excess of prevailing market prices, intended to be offset by reductions in the costs of funeral or burial services or facilities which are not immediately required;

(4) “Person”, any individual, partnership, corporation, cooperative, association, or other entity;

(5) “Preneed contract”, any contract or other arrangement which requires the [current] payment of money or other property in consideration for the final disposition of a dead human body, or for funeral or burial services or facilities, or for funeral merchandise, where such disposition, services, facilities or merchandise are not immediately required, including, but not limited to, an agreement providing for a

membership fee or any other fee having as its purpose the furnishing of burial or funeral services or merchandise at a discount, except for contracts of insurance, including payment of proceeds from contracts of insurance, unless the preneed seller or provider is named as the owner or beneficiary in the contract of insurance. **In no instance shall preneed contract be funded by term life insurance;**

(6) "Preneed trust", a trust established by a seller, as grantor, to receive deposits of, administer, and disburse payments received under preneed contracts by such seller, together with income thereon;

(7) "Provider", the person obligated to provide the disposition and funeral services, facilities, or merchandise described in a preneed contract;

(8) "Purchaser", the person who is obligated to make payments under a preneed contract;

(9) "Seller", the person who sells a preneed contract to a purchaser and who is obligated to collect and administer all payments made under such preneed contract;

(10) "State board", the Missouri state board of embalmers and funeral directors;

(11) "Trustee", the trustee of a preneed trust, including successor trustees.

436.007. 1. Each preneed contract made after August 13, 1982, shall be void and unenforceable unless:

(1) It is in writing;

(2) It is executed by a seller who is in compliance with the provisions of section 436.021;

(3) It identifies the contract beneficiary and sets out in detail the final disposition of the dead body and funeral services, facilities, and merchandise to be provided;

(4) It identifies the preneed trust into which contract payments shall be deposited, including the name and address of the trustee thereof;

(5) The terms of such trust and related agreements among two or more of the contract seller, the contract provider, and the trustee of such trust are in compliance with the provisions of sections 436.005 to [436.071] **436.072**;

(6) It contains the name and address of the seller and the provider.

2. If a preneed contract does not comply with the provisions of sections 436.005 to [436.071] **436.072**, all payments made under such contract shall be recoverable by the purchaser, his heirs, or **the purchaser's** legal representative, from the contract seller or other payee thereof, together with interest at the rate of ten percent per annum and all reasonable costs of collection, including attorneys' fees.

3. Each preneed contract made before August 13, 1982, and all payments and disbursements under such contract shall continue to be governed by sections 436.010 to 436.080, as those sections existed at the time the contract was made; but, the provisions of subsection 2 of section 436.035 may be applied to all preneed contracts which are executory on August 13, 1982.

4. Subject to the provisions of subdivision (5) of section 436.005, the provisions of sections 436.005 to [436.071] **436.072** shall apply to the assignment of proceeds of any contract of insurance for the purpose of funding a preneed contract or written in conjunction with a preneed contract. Laws regulating insurance shall not apply to preneed contracts, but shall apply to any insurance sold with a preneed contract.

5. No preneed contract shall become effective unless and until the purchaser thereof has placed his **or her** signature in a space provided on such contract, or application therefor, and the purchaser has received

a copy of such contract signed by the seller.

6. The seller and the provider of a preneed contract may be the same person.

436.011. 1. Any seller who designates a person as a provider in a preneed contract without a contractual relationship with such person is in violation of the provisions of sections 436.005 to [436.071] **436.072. Upon request of the board, a licensed seller or provider shall provide a copy of any preneed contract or any contract or agreement with a seller or provider.**

2. Any person who knowingly permits a seller to sell a preneed contract designating him as the provider or as one of two or more providers who will furnish the funeral merchandise and services described in the preneed contract shall provide the funeral merchandise and services described in the preneed contract for the beneficiary. Failure of any such person to do so shall be a violation of the provisions of sections 436.005 to [436.071] **436.072** and shall be cause for suspension or revocation of that person's license under the provisions of section 333.061, RSMo.

3. If a provider has knowledge that a seller is designating him **or her** as the provider of funeral merchandise and services under any preneed contract and fails within thirty days after first obtaining such knowledge to take action to prevent the seller from so designating him **or her** as the provider, the provider shall be deemed to have consented to such designation.

436.015. 1. No person shall perform or agree to perform the obligations of, or be designated as, the provider under a preneed contract unless, at the time of such performance, agreement or designation:

(1) Such person is licensed by the state board as a funeral establishment pursuant to the provisions of section 333.061, RSMo, but such person need not be licensed as a funeral establishment if [he] **such person** is the owner of real estate situated in Missouri which has been formally dedicated for the burial of dead human bodies and the contract only provides for the delivery of one or more grave vaults at a future time and is in compliance with the provisions of chapter 214, RSMo; and

(2) Such person is registered **to conduct business with the secretary of state and is licensed** with the state board **as a provider and pays a licensing fee to be established by the board** and files with the state board a written consent authorizing the state board to order an **investigation**, examination [and if necessary an audit by the staff of the division of professional registration who are not connected with the board], **or audit** of its **joint accounts or** books and records which contain information concerning preneed contracts sold for, [in] **on** behalf of, or in which he **or she** is named as provider of the described funeral merchandise or services. **The state board may order an investigation to determine compliance with sections 436.005 to 436.072.**

2. Each provider under one or more preneed contracts shall:

(1) Furnish the state board in writing with the name and address of each seller authorized by the provider to sell preneed contracts in which the provider is named as such within fifteen days after the provider signs a written agreement or authorization permitting the seller to sell preneed contracts designating or obligating the provider as the “provider” under the contract. This notification requirement shall include a provider who, itself, acts as seller;

(2) **Pay an annual fee and** file annually with the state board **by the thirty-first day of October** a report [which]. **Annual reports filed after the date provided in this section shall be subject to a late fee of one hundred dollars for every six months past the renewal deadline or an amount determined by**

the board by rule. The annual report shall contain:

(a) The business name or names of the provider and all addresses from which it engages in the practice of its business;

(b) The name and address of each seller with whom it has entered into a written agreement since last filing a report **including the total payments collected by the provider for each preneed contract since the last annual report filed with the board;**

(c) The name and address of the custodian of its books and records containing information about preneed contract sales and services; **and**

(d) The name and address of the financial institutions in which joint accounts are held as authorized by section 436.053, or that issued any certificate of deposit purchased on behalf of a preneed contract beneficiary;

(3) Cooperate with the state board, the office of the attorney general of Missouri, and the division in any investigation, examination or audit brought under the provisions of sections 436.005 to [436.071] **436.072;**

(4) At least thirty days prior to selling or otherwise disposing of its business assets, or its stock if a corporation, or ceasing to do business, give written notification to the state board and to all sellers with whom it has one or more preneed contracts of its intent to engage in such sale or to cease doing business. In the case of a sale of assets or stock, the written notice shall also contain the name, **phone number**, and address of the purchaser. Upon receipt of such written notification, the state board may take reasonable and necessary action to determine that any preneed contracts which the provider is obligated to service will be satisfied at the time of need, **including, but not limited to, an examination of books and records or audit of any joint account.** The state board may waive the requirements of this subsection, or may shorten the period of notification whenever in its discretion it determines that compliance with its provisions are not necessary. Failure of the state board to take action regarding such sale or termination of business within thirty days shall constitute such a waiver.

3. It is a violation of the provisions of sections 436.005 to [436.071] **436.072** and subdivision (3) of section 333.121, RSMo, for any person to sell, transfer or otherwise dispose of the assets of a provider without first complying with the provisions of subdivision (4) of subsection 2 of this section. This violation shall be in addition to the provisions of section 436.061.

4. If any licensed embalmer, funeral director or licensed funeral establishment shall knowingly allow such licensee's name to be designated as the provider under, or used in conjunction with the sale of, any preneed contract, such licensee shall be liable for the provider's obligations under such contract.

5. With respect to a provider or seller licensed under the provisions of chapter 333, RSMo, any violation of the provisions of sections 436.005 to 436.071 shall constitute a violation of subdivision (3) of section 333.121, RSMo.

436.021. 1. No person, including without limitation a person who is a provider under one or more preneed contracts, shall sell, perform or agree to perform the seller's obligations under, or be designated as the seller of, any preneed contract unless, at the time of that sale, performance, agreement, or designation, that person shall:

(1) Be an individual resident of Missouri or a business entity duly authorized to transact business in

Missouri **and registered with the secretary of state;**

(2) Have established, as grantor, a preneed trust or trusts with terms consistent with sections 436.005 to 436.071;

(3) Have registered with the state board **and have paid a licensing fee to be established by the board by rule.**

2. In lieu of establishing a trust, the applicant may certify to the board that a whole life insurance policy will be purchased on the life of the beneficiary for each preneed contract, or that a certificate of deposit will be purchased on behalf of the beneficiary of the contract, provided that no amount shall be borrowed against such certificate, nor shall such certificates be redeemed for their cash value, until the terms of the contract have been fully performed.

3. Each seller under one or more preneed contracts shall:

(1) Maintain adequate records of all such contracts and related agreements with providers and the trustee of preneed trusts regarding such contracts, including copies of all such agreements;

(2) Notify the state board in writing of the name and address of each provider who has authorized the seller to sell one or more preneed contracts under which the provider is designated or obligated as the contract's "provider";

(3) File annually with the state board **by the thirty-first day of October** a signed and notarized report on forms provided by the state board **and pay the annual renewal fee established by the board by rule. Annual reports filed after the date provided in this section shall be subject to a late fee of one hundred dollars for every six months past the renewal deadline or any amount as determined by the board by rule. Any seller who fails to file their annual report on or before the thirty-first day of October shall be prohibited from selling any preneed contracts until the annual report, and all applicable fees, have been paid to the board.** Such [a] report shall [only] contain:

(a) The date the report is submitted and the date of the last report;

(b) The name and address of each provider with whom it is under contract;

(c) The total number of preneed contracts sold in Missouri since the filing of the last report **and a detailed list including the name, contract number, amount of each preneed contract the seller has written in Missouri since the last filing report, the amount the seller has received as payment for each preneed contract and the address and phone number of the purchaser as reflected in the contract;**

(d) The total face value of all preneed contracts sold in Missouri since the filing of the last report;

(e) The name and address of the **insurance company issuing a whole life insurance policy on the life of each beneficiary for each preneed contract or the** financial institution in Missouri in which it maintains the trust accounts required under the provisions of sections 436.005 to [436.071] **436.072** and the account numbers of such trust accounts, **or the financial institution that issued any certificate of deposit purchased on behalf of a preneed contract beneficiary;**

(f) A consent authorizing the state board to order an examination and if necessary an audit [by staff of the division of professional registration who are not connected with the board] of the trust account, designated by depository and account number. [The staff of the division of professional registration in conducting the audit shall not release a detailed accounting of the trust account to the board unless there

exist circumstances indicating that the account does not comply with the requirements of sections 436.005 to [436.071] **436.072**, but shall provide the board with a summary of the examination or audit showing general compliance with the provisions of sections 436.005 to 436.071];

(4) File with the state board a consent authorizing the state board to order an **investigation**, examination and if necessary an audit [by staff of the division of professional registration who are not connected with the board] of its books and records relating to the sale of preneed contracts and the name and address of the person designated by the seller as custodian of these books and records. [The staff of the division of professional registration in conducting the audit shall not release a detailed accounting of the trust account to the board unless there exist circumstances indicating that the account does not comply with the requirements of sections 436.005 to 436.071, but shall provide the board with a summary of the examination or audit showing general compliance with the provisions of sections 436.005 to 436.071];

(5) Cooperate with the state board, the office of the attorney general, [and] the division, **the division of finance, and the division of insurance** in any investigation, examination or audit brought under the provisions of sections 436.005 to [436.071] **436.072**.

[3.] **4.** Prior to selling or otherwise disposing of a majority of its business assets, or a majority of its stock if a corporation, or ceasing to do business as a seller, the seller shall provide written notification to the state board of its intent to engage in such sale at least sixty days prior to the date set for the closing of the sale, or of its intent to cease doing business at least sixty days prior to the date set for termination of its business. The written notice shall be sent, at the same time as it is provided to the state board, to all providers who are then obligated to provide funeral services or merchandise under preneed contracts sold by the seller. Upon receipt of the written notification, the state board may take reasonable and necessary action to determine that the seller has made proper plans to assure that the trust [assets] **accounts** of the seller will be set aside and used to service outstanding preneed contracts sold by the seller, **including, but not limited to, an examination of books and records or audit of the trust account**. The state board may waive the requirements of this subsection or may shorten the period of notification whenever in its discretion it determines that compliance with its provisions are not necessary. Failure of the state board to take action regarding such sale or termination of business within sixty days shall constitute such a waiver.

[4.] **5.** It is a violation of the provisions of sections 436.005 to [436.071] **436.072** for any person to sell, transfer or otherwise dispose of the assets of a seller without first complying with the provisions of subsection 3 of this section.

436.027. The seller may retain as his **or her** own money, for the purpose of covering his selling expenses, servicing costs, and general overhead, the initial funds so collected or paid until he **or she** has received for his **or her** use and benefit an amount not to exceed twenty percent of the total amount agreed to be paid by the purchaser of such prepaid funeral benefits as such total amount is reflected in the contract. **After the seller retains the amount authorized by this section, all funds paid to the purchaser shall be placed in trust, or shall be used to purchase insurance or certificates of deposit, as authorized by this chapter.**

436.031. 1. The trustee of a preneed trust shall be a state or federally chartered financial institution authorized to exercise trust powers in Missouri. The trustee shall accept all deposits made to it by the seller of a preneed contract and shall hold, administer, and distribute such deposits, in trust, as trust principal, pursuant to the provisions of sections 436.005 to [436.071] **436.072**. Payments regarding two or more preneed contracts may be deposited into and commingled in the same preneed trust, so long as the trust's

grantor is the seller of all such preneed contracts and the trustee maintains adequate records of all payments received.

2. All property held in a preneed trust, including principal and undistributed income, shall be invested and reinvested by the trustee thereof. The trustee shall exercise such judgment and care under circumstances then prevailing which men of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their [funds] **moneys**, considering the probable income therefrom as well as the probable safety of their capital. [A preneed trust agreement may provide that when the principal and interest in a preneed trust exceeds two hundred fifty thousand dollars, investment decisions regarding the principal and undistributed income may be made by a federally registered or Missouri-registered independent qualified investment advisor designated by the seller who established the trust; provided, that title to all investment assets shall remain with the trustee and be kept by the trustee to be liquidated upon request of the advisor of the seller.] In no case shall control of said assets be divested from the trustee nor shall said assets be placed in any investment which would be beyond the authority of a reasonably prudent trustee to invest in. [The trustee shall be relieved of all liability regarding investment decisions made by such qualified investment advisor.]

3. The seller of a preneed contract shall be entitled to all income, including, without limitation, interest, dividends, and capital gains, and losses generated by the investment of preneed trust property regarding such contract, and the trustee of the trust may distribute all income, net of losses, to the seller at least annually; but no such income distribution shall be made to the seller if, and to the extent that, the distribution would reduce the aggregate market value on the distribution date of all property held in the preneed trust, including principal and undistributed income, below the sum of all deposits made to such trust pursuant to subsection 1 of this section for all preneed contracts then administered through such trust.

4. All expenses of establishing and administering a preneed trust, including, without limitation, trustee's fees, legal and accounting fees, investment expenses, and taxes, shall be paid or reimbursed directly by the seller of the preneed contracts administered through such trust and shall not be paid from the principal of a preneed trust.

5. The trustee of a preneed trust shall maintain adequate books of account of all transactions administered through the trust and pertaining to the trust generally. The trustee shall assist **the** seller who established the trust or its successor in interest in the preparation of the annual report described in subdivision (3) of subsection 2 of section 436.021. The seller shall furnish to each contract purchaser, within fifteen days after receipt of the purchaser's written request, a written statement of all deposits made to such trust regarding such purchaser's contract.

6. The trustee of a preneed trust shall, from time to time, distribute trust principal as provided by sections 436.005 to [436.071] **436.072**.

7. A preneed trust shall terminate when trust principal no longer includes any payments made under any preneed contract, and upon such termination the trustee shall distribute all trust property, including principal and undistributed income, to the seller which established the trust.

436.048. If a seller shall fail to make timely payment of an amount due a purchaser or a provider pursuant to the provisions of sections 436.005 to [436.071] **436.072**, the purchaser or provider, as appropriate, shall have the right, in addition to other rights and remedies against such seller, to make demand upon the trustee of the preneed trust for the contract to distribute to the purchaser or provider from the trust, as damages for its breach, an amount equal to all deposits made into the trust for the contract.

436.051. Upon the death or legal incapacity of a purchaser, all rights and remedies granted to the purchaser pursuant to the provisions of sections 436.005 to [436.071] **436.072** shall be enforceable by and accrue to the benefit of the purchaser's legal representative or [his] **the purchaser's** successor designated in such contract, and all payments otherwise payable to the purchaser shall be paid to that person.

436.053. 1. Notwithstanding the provisions of sections 436.021 to 436.048, the provider and the purchaser may agree that all [funds] **moneys** paid the provider by the purchaser shall be deposited with financial institutions chartered and regulated by the federal or state government authorized to do business in Missouri in an account in the joint names and under the joint control of the provider and purchaser. If the purchaser has irrevocably waived and renounced his right to cancel the agreement between the provider and the purchaser pursuant to subdivision (5) of this subsection, such agreement may provide that all funds held in the account at the beneficiary's death shall be applied toward the purchase of funeral or burial services or facilities, or funeral merchandise, selected by the purchaser or the responsible party after the beneficiary's death, in lieu of the detailed identification of such items required by subdivision (3) of subsection 1 of section 436.007. The agreement between the provider and purchaser shall provide that:

(1) The total consideration to be paid by the purchaser under the contract shall be made in one or more payments into the joint account, **including the name and address of the financial institution which holds such moneys and the account numbers of such moneys**, at the time the agreement is executed or, thereafter within five days of receipt, respectively, **and the agreements shall contain the name and address of the financial institution that holds such moneys and the account numbers of such moneys**;

(2) The financial institution shall hold, invest, and reinvest the deposited [funds] **moneys** in savings accounts, certificates of deposit or other accounts offered to depositors by the financial institutions, as the [agreement] **contract** shall provide;

(3) The income generated by the deposited funds shall be used to pay the reasonable expenses of administering the agreement, and the balance of the income shall be distributed or reinvested as provided in the agreement;

(4) At any time before the final disposition, or before funeral services, facilities, and merchandise described in a preneed contract are furnished, the purchaser may cancel the contract without cause by delivering written notice thereof to the provider and the financial institution, and within fifteen days after its receipt of the notice, the financial institution shall distribute the deposited [funds] **moneys** to the purchaser;

(5) Notwithstanding the provisions of subdivision (4) of this subsection, if a purchaser is eligible, becomes eligible, or desires to become eligible to receive public assistance under chapter 208, RSMo, or any other applicable state or federal law, the purchaser may irrevocably waive and renounce his **or her** right to cancel such [agreement] **contract**. The waiver and renunciation must be in writing and must be delivered to the provider and the financial institution, **if requested**;

(6) If the death of the beneficiary occurs outside the general area served by the provider, then the provider shall either provide for the furnishing of comparable funeral services and merchandise by a licensed mortuary selected by the purchaser or, at the provider's option, shall pay over to the purchaser in fulfillment of the obligation of the preneed contract, an amount equal to the sums actually paid in cash by such purchaser under such preneed contract together with interest to be provided for in the contract, in which event the financial institution shall distribute the deposited funds to the provider;

(7) Within fifteen days after a provider and a witness certifies in writing to the financial institution that he **or she** has furnished the final disposition, or funeral services, facilities, and merchandise described in a contract, or has provided alternative funeral **arrangements or** benefits for the beneficiary pursuant to special arrangements made with the purchaser, if the certification has been approved by the purchaser, then the financial institution shall distribute the deposited funds to the provider.

2. There shall be a separate joint account as described in subsection 1 of this section for each preneed contract sold or arranged under this section.

3. If the total face value of the contracts sold by a provider operating solely under the provisions of this section does not exceed thirty-five thousand dollars in any one fiscal year, such a provider shall not be required to pay the annual reporting fee for such year required under subsection 1 of section 436.069.

436.054. It is unlawful for the seller to:

(1) Purchase with preneed funds any term life insurance to fund the preneed contract;

(2) Procure or accept any loan against any life insurance contract.

436.055. 1. All complaints received by the state board which allege a [registrant's] **licensee's** noncompliance with the provisions of sections 436.005 to [436.071 shall be forwarded to the division of professional registration for investigation, except minor complaints which the state board can mediate or otherwise dispose of by contacting the parties involved] **436.072, or allege that a licensee has committed any act for which the board may discipline or refuse to issue a license under section 436.062, may be investigated by the board.** A copy of each such complaint shall be forwarded to the subject [registrant] **licensee, except [that each complaint] the board shall not be required to forward complaints** in which the complainant alleges [under oath] that a [registrant] **licensee** has misappropriated preneed contract payments [may be forwarded to the division of professional registration without notice to the subject registrant]. **This section shall not be construed to limit the board's authority to file a complaint with the administrative hearing commission charging a licensee of the board with any actionable conduct or violation, regardless of whether such complaint exceeds the scope of acts charged in a preliminary public complaint filed with the board and whether any public complaint has been filed with the board.**

2. [The division shall investigate each complaint forwarded from the state board using staff who are not connected with the state board and shall forward the results of such investigation to the subject registrant and to the attorney general for evaluation. If the attorney general, after independent inquiry using staff of the attorney general's office who have not represented the board, determines that there is no probable cause to conclude that the registrant has violated sections 436.005 to 436.071, the registrant and the state board shall be so notified and the complaint shall be dismissed; but, if the attorney general determines that there is such probable cause the registrant shall be so notified and the results of such evaluation shall be transmitted to the state board for further action as provided in sections 436.061 and 436.063.] **The board may investigate, examine or audit the books or records of any licensee, or examine or audit a preneed trust or joint account, at any time to ensure a licensee's compliance with the provisions of sections 436.005 to 436.072. The board shall have authority to conduct random inspections or audits with or without cause.**

3. Upon determining that an inspection, investigation, examination or audit shall be conducted, the board shall issue a notice authorizing one or more employees or independent contractors to perform such inspection, investigation, examination or audit and instructing such employees or

independent contractors as to the scope of such inspection, investigation, examination or audit. The board shall not appoint any employee or contract if such employee or contractor either directly or indirectly has a conflict of interest or is affiliated with the management of, or owns a pecuniary interest in, any person subject to inspection, investigation, examination or audit under section 436.005 to 436.072. The board shall request that the director of the division of professional registration or the director of the department of insurance, financial institutions and professional registration designate one or more financial examiners to assist in any examination or audit.

436.061. 1. Each person **including the officers, directors, partners, agents, or employees of such person** who shall knowingly and willfully violate or assist or enable any person to violate any provision of sections 436.005 to [436.071, and any officer, director, partner, agent, or employee of such person involved in such violation] **436.072 by misconduct, gross negligence, fraud, misrepresentation, or dishonest** is guilty of a class D felony. Each violation of any provision of sections 436.005 to [436.071] **436.072** constitutes a separate offense and may be prosecuted individually. **The attorney general shall have concurrent jurisdiction with any local prosecutor to prosecute under this section.**

2. Any violation of the provisions of sections 436.005 to [436.071] **436.072** shall constitute a violation of the provisions of section 407.020, RSMo. In any proceeding brought by the attorney general for a violation of the provisions of sections 436.005 to [436.071] **436.072**, the court may **order all relief and penalties authorized under chapter 407, RSMo, and**, in addition to imposing the penalties provided for in sections 436.005 to [436.071] **436.072**, order the revocation or suspension of the [registration] **license** of a defendant seller or provider.

436.062. 1. The board may refuse to issue any certificate of registration or authority, permit or license required under this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by sections 436.005 to 436.072 or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 436.005 to 436.072;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under sections 436.005 to 436.072, for any offense involving a controlled substance, or for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued under this chapter or in obtaining permission to take any examination given or required under sections 436.005 to 436.072;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by sections 436.005 to 436.072;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted under sections 436.005 to 436.072;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 436.005 to 436.072 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Misappropriation of preneed funds or funds belonging to a preneed trust or joint account holding preneed funds, or funds issued by an insurance company pursuant to a preneed contract;

(11) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 436.005 to 436.072 who is not registered and currently eligible to practice under sections 436.005 to 436.072;

(12) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(13) Failure to display a valid certificate or license if so required by sections 436.005 to 436.072 or any rule promulgated hereunder;

(14) Violation of any professional trust or confidence;

(15) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(16) Violation of any statute or regulation related to the funeral industry or to consumer protection;

(17) Having any license, permit, or registration revoked by any insurance or preneed regulatory agency or professional licensing board of any state; and

(18) Willfully and through undue influence selling a preneed contract.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.

4. Notwithstanding any other provision of this section, the board may automatically suspend a

license if the board finds, after an inspection, examination, investigation or audit, a shortage of more than five thousand dollars in any preneed trust or joint account maintained pursuant to this chapter. Failure to provide access to the licensee's books, records or accounts as requested by the board in any inspection, investigation, examination or audit initiated pursuant to this subsection to determine whether suspension is warranted shall constitute grounds for automatic suspension as provided in this section.

5. Any person whose license is suspended under subsection 4 of this section may appeal such suspension to the administrative hearing commission. Notice of such appeal must be received by the administrative hearing commission within ninety days of mailing, by certified mail, the notice of suspension. Failure of a person whose license was suspended to notify the administrative hearing commission of his or her intent to appeal waives all rights to appeal the suspension. Upon notice of such person's intent to appeal, a hearing shall be held before the administrative hearing commission pursuant to chapter 621, RSMo.

6. The board shall only issue a license if the applicant, or if a business entity, each owner, partner, officer, member, or controlling ownership interest of the entity, is a person of good moral character.

436.067. [No information given to the board, the division or the attorney general pursuant to the provisions of sections 436.005 to 436.071 shall, unless ordered by a court for good cause shown, be produced for inspection or copying by, nor shall the contents thereof be disclosed to, any person other than the seller, or the provider who is the subject thereof, the authorized employee of the board, the attorney general or the division, without the consent of the person who produced such material. However, under such reasonable conditions and terms as the board, the division or the attorney general shall prescribe, such material shall be available for inspection and copying by the person who produced such material or any duly authorized representative of such person. The state board, the division or the attorney general, or his duly authorized assistant, may use such documentary material or copies thereof in the enforcement of the provisions of sections 436.005 to 436.071 by presentation before any court or the administrative hearing commission, but any such material which contains trade secrets shall not be presented except with the approval of the court, or the administrative hearing commission, in which the action is pending after adequate notice to the person furnishing such material. No documentary material provided the board, the division or the attorney general pursuant to the provisions of sections 436.005 to 436.071 shall be disclosed to any person for use in any criminal proceeding] **All complaints, investigation materials, annual registrations, reports, and information pertaining to the licensee shall be closed and may be disclosed only as authorized by statute or order of the court.**

436.068. 1. The board may promulgate rules to implement the provisions of sections 436.005 to 436.072 and rules governing standards of service and practice to be followed by licensed providers and sellers as deemed necessary for the public good and consistent with the laws of this state. The board may prescribe a standard of proficiency as to the qualifications and fitness of those engaging in the practice of the preneed industry.

2. The board shall establish the amount of the fees authorized in sections 436.005 to 436.072 and required by rules promulgated thereunder. Such fees shall be set at a level to produce revenue which does not substantially exceed the cost and expense of administering sections 436.005 to 436.072.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is

subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

436.069. 1. [After July 16, 1985,] Each seller shall remit an annual reporting fee in an amount of [two] **ten** dollars for each preneed contract sold in the year since the date the seller filed its last annual report with the state board **of the fee established by the board by rule**. This reporting fee shall be paid annually and may be collected from the purchaser of the preneed contract as an additional charge or remitted to the state board from the [funds] **moneys** of the seller.

2. [After July 16, 1985,] Each provider shall remit an annual reporting fee of [thirty] **fifty** dollars, **or the annual reporting fee established by the board by rule**.

3. The reporting fee authorized by subsections 1 and 2 of this section are in addition to the fees authorized by section 436.071.

436.071. Each application for [registration] **licensure** under the provisions of section 436.015 or 436.021 shall be accompanied by a preneed registration fee as determined by the board pursuant to the provisions of **subsection 2 of** section 333.111[, subsection 2].

436.072. The board or a designated member thereof or any agent authorized by the board may enter the office, premises, establishment, or place of business of any preneed seller or provider of funeral service contracts licensed in this state, or any office, premises, establishment, or place where the practice of selling and/or providing preneed funerals is carried on, or where such practice is advertised as being carried on for the purpose of inspecting such office, premises, establishment, or place to determine compliance with sections 436.005 to 436.072, or for the purpose of inspecting, examining, investigating or auditing the licensee or the sale of preneed contracts.”; and

Further amend said bill, page 71, section 194.233, line 8 of said page, by inserting after all of said line the following:

“[436.063. Whenever the state board determines that a registered seller or provider has violated or is about to violate any provision of sections 436.005 to 436.071 following a meeting at which the registrant is given a reasonable opportunity to respond to charges of violations or prospective violations, it may request the attorney general to apply for the revocation or suspension of the seller's or provider's registration or the imposition of probation upon terms and conditions deemed appropriate by the state board in accordance with the procedure set forth in sections 621.100 to 621.205, RSMo. Use of the procedures set out in this section shall not preclude the application of the provisions of subsection 2 of section 436.061.]”;

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

Senator Crowell offered **SA 1 to SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill

No. 2081, Page 19, Section 436.055, Line 11, by striking the first use of the opening and closing brackets on said line.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SA 1**, as amended, be adopted, which motion prevailed.

Senator Callahan offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2081, Pages 3-4, Section 190.107, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2081, Page 70, Section 376.811, Line 5, by inserting immediately after all of said line the following:

“701.355. The board shall have the following powers:

(1) To consult with engineering authorities and organizations who are studying and developing elevator safety codes;

(2) To adopt a code of rules and regulations governing construction, maintenance, testing, **licenses of elevator mechanics and elevator contractors**, and inspection of both new and existing installations. The board shall have the power to adopt a safety code only for those types of equipment defined in the rule. In promulgating the elevator safety code the board may consider any existing or future American National Standards Institute safety code affecting elevators as defined in sections 701.350 to 701.380, or any other nationally acceptable standard;

(3) To certify state, municipal inspectors and political subdivision inspectors, and special inspectors, who shall enforce the provisions of a safety code adopted pursuant to sections 701.350 to 701.380;

(4) To appoint a chief safety inspector together with a staff for the purpose of ensuring compliance with any safety code established pursuant to sections 701.350 to 701.380.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion failed.

Senator Loudon offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2081, Page 8, Section 324.650, Line 1, by adding at the end thereof, the following:

“324.650. The use of physical agents such as air, water, heat, cold, sound, light, and electromagnetic nonionizing radiation, and the physical modalities of electrotherapy, biofeedback, diathermy, ultraviolet light, ultrasound, hydrotherapy, and exercise used for the prevention and care

of human health conditions, injuries, and illnesses that uses diagnosis and natural substances and remedies to support and stimulate an individuals intrinsic self processes, as authorized to be taught in the state of Missouri by the Coordinating Board of Higher Education, shall not be deemed the practice of medicine as defined in Section 334.010, RSMo (2004).”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion failed.

Senator Barnitz offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2081, Page 8, Section 194.119, Line 1, by inserting immediately after said line the following:

“324.1230. As used in sections 324.1230 to 324.1245, the following terms shall mean:

- (1) “Antepartum”, before birth;**
- (2) “Board”, the board of professional midwives;**
- (3) “Client”, a person who retains the services of a professional midwife;**
- (4) “Division”, the division of professional registration;**
- (5) “Intrapartum”, during birth;**
- (6) “Postpartum”, after birth;**

(7) “Practice of professional midwifery”, the science and art of examination, evaluation, assessment, counseling, and treatment of women and infants by a professional midwife in the antepartum, intrapartum, and postpartum period by those methods commonly taught in any midwifery school, or midwifery program in a university or college which has been accredited by the Midwifery Education Accreditation Council, its successor entity or approved by the board; including identifying and referring women who require obstetrical or other professional care. It shall not include the use of operative surgery, nor the prescribing of drugs. The practice of professional midwifery is not the practice of medicine or osteopathy within the meaning of chapter 334, RSMo, and not subject to the provisions of the chapter. The practice of professional midwifery is not the practice of nurse-midwifery or nursing within the meaning of chapter 335, RSMo, and not subject to the provisions of the chapter;

(8) “Professional midwife”, any person who is certified by the North American Registry of Midwives (NARM) as a certified professional midwife (CPM) and provides for compensation those skills relevant to the care of women and infants in the antepartum, intrapartum, and postpartum period.

324.1231. 1. There is hereby created and established within the division of professional registration a “Board of Professional Midwives” which consists of five members appointed by the governor with the advice and consent of the senate. Each member shall be a United States citizen and a resident of this state for at least one year immediately preceding their appointment. Of these five members, one member shall be a public member, four members shall be licensed professional midwives who attend births in homes or other out-of-hospital settings, provided that the first midwife

members appointed need not be licensed at the time of appointment if they are actively working toward licensure under the provisions of sections 324.1230 to 324.1245.

2. The initial appointments to the board shall be one member for a term of one year, one member for a term of two years, one member for a term of three years, one member for a term of four years, and one member for a term of five years. After the initial terms, each member shall serve a five-year term. No member of the board shall serve more than two consecutive five-year terms. All successor members shall be appointed for five-year terms. All members shall serve until their successors have been appointed and qualified. Vacancies occurring in the membership of the board for any reason shall be filled by appointment by the governor for the unexpired term.

3. The public member shall not be, nor have previously been, a member of any profession regulated by chapter 334 or 335, RSMo, or under sections 324.1230 to 324.1245, or the spouse or immediate family member of such person. The public member is subject to the provisions of section 620.132, RSMo.

4. The board may sue and be sued in its own name and its members need not be named parties. Members of the board shall not be personally liable, either jointly or severally, for any act or acts committed in the performance of their official duties as board members. No board member shall be personally liable for any court costs which accrue in any action by or against the board.

5. Notwithstanding any other provision of law to the contrary, any appointed member of the board shall receive as compensation an amount established by the director of the division not to exceed seventy dollars per day for board business plus actual and necessary expenses.

6. The division shall employ administrative and clerical personnel necessary to enforce the provisions of sections 324.1230 to 324.1245.

7. The board shall hold an annual meeting at which time it shall elect from its membership a chairperson and a vice chairperson. The board may hold such additional meetings as may be required in the performance of its duties. A quorum of the board shall consist of a majority of its members.

8. Pursuant to section 620.106, RSMo, no new licensing activity or other statutory requirements shall become effective until expenditures or personnel are specifically appropriated for the purpose of conducting the business as required to administer the provisions of sections 324.1230 to 324.1245 and the initial rules filed have become effective.

324.1233. 1. Applications for licensure as a professional midwife shall be in writing, submitted to the board on forms prescribed by the board, and furnished to the applicant. Each application shall contain a statement that it is made under oath or affirmation that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the board.

2. Each applicant for licensure shall:

(1) Present evidence of current certification by the North American Registry of Midwives as a certified professional midwife;

(2) Present evidence of current certification in basic life support for healthcare providers, and either infant cardiopulmonary resuscitation or neonatal resuscitation; and

(3) Comply with the written disclosure requirement under subsection 1 of section 324.1239.

3. The division shall mail a renewal notice to the last known address of each licensee prior to the renewal date. Failure to provide the board with the information required for renewal, or to pay the renewal fee after such notice, shall result in the license expiring. The license shall be reinstated if, within two years of the renewal date, the applicant submits the required documentation and pays the applicable fees as approved by the board.

4. Each license issued pursuant to the provisions of this section shall expire three years after the date of its issuance. Each applicant for renewal shall submit:

(1) Evidence of attendance at a minimum of ten hours per year of continuing education in midwifery or related fields;

(2) Evidence of attendance at a minimum of three hours per year of peer review;

(3) Evidence of current certification in basic life support for healthcare providers, and either infant cardiopulmonary resuscitation or neonatal resuscitation; and

(4) The renewal fee set by the board.

5. The board may refuse to issue or renew any certificate of registration or authority, permit, or license required pursuant to this chapter for one or any combination of causes stated in subsection 6 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo. As an alternative to a refusal to issue or renew any certificate, registration, or authority, the board may, at its discretion, issue a license which is subject to probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 6 of this section. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefore, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

6. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit, or license required by this chapter, or any person who has failed to renew or has surrendered the person's certificate or registration or authority, permit, or license for any one or any combination of the following causes:

(1) Engaging in conduct detrimental to the health or safety of either the mother or infant, or both, as determined by the board;

(2) Having an unpaid judgment resulting from providing professional midwifery services;

(3) Procuring or attempting to procure a license under sections 324.1230 to 324.1245 by making a false statement, submitting false information, refusing to provide complete information in response

to a question in an application for licensure, or through any form of fraud or misrepresentation;

(4) Failing to meet the minimum qualifications for licensure or renewal established under sections 324.1230 to 324.1245;

(5) Paying money or other valuable consideration, other than as provided for under sections 324.1230 to 324.1245, to any member or employee of the board to procure a license under sections 324.1230 to 324.1245;

(6) Incompetency, misconduct, negligence, dishonesty, fraud, or misrepresentation in the performance of the functions or duties of professional midwives as prescribed under sections 324.1230 to 324.1245;

(7) Violating, assisting, or enabling any person to willfully disregard any of the provisions of sections 324.1230 to 324.1245, or the rules of the board for the administration and enforcement of the provisions of sections 324.1230 to 324.1245;

(8) Violating any term or condition of a license issued by the board under the authority of sections 324.1230 to 324.1245;

(9) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(10) Assisting or enabling a person to practice or offer to practice any profession licensed or regulated by sections 324.1230 to 324.1245 who is not licensed and currently eligible to practice under sections 324.1230 to 324.1245; or

(11) Using any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

7. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds provided in subsection 6 of this section for disciplinary action are met, the board may, singly or in combination, warn, censure, or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate, or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or restrict or limit the person's license, certificate, or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling, or treatment of physicians designated by the board at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may direct.

8. The division may promulgate rules as necessary in accordance with the provisions of chapter 536, RSMo, to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to

delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

324.1235. 1. The board shall promulgate rules as necessary in accordance with the provisions of chapter 536, RSMo, to establish:

(1) An application process and administrative procedures for processing applications and issuing professional midwife licenses and for conducting disciplinary proceedings under the provisions of sections 324.1230 to 324.1245;

(2) Practice guidelines consistent with standards regarding the practice of midwifery established by the North American Registry of Midwives and the National Association of Certified Professional Midwives, or a successor organization whose essential documents include without limitation subject matter concerning scope of practice, standards of practice, informed consent, appropriate consultation, collaboration or referral, including the development of collaborative relationships with other healthcare practitioners who can provide care outside the scope of midwifery practice when necessary; and

(3) Reasonable rules as deemed necessary by the board to carry out and enforce the provisions of sections 324.1230 to 324.1245.

2. The board shall:

(1) Investigate to verify such applicant's qualifications. If the results of the investigation are satisfactory to the board and the applicant is otherwise qualified, the board shall issue to the applicant a license authorizing the applicant to act as a professional midwife in Missouri;

(2) Set the amount of fees authorized by sections 324.1230 to 324.1245 and required by rules promulgated under section 536.021, RSMo. The fees shall be set at a level to produce revenue that does not substantially exceed the cost and expense of administering sections 324.1230 to 324.1245;

(3) Perform such other functions and duties as necessary to carry out the provisions of sections 324.1230 to 324.1245;

(4) Provide a form for use in the event of transfer to emergency care detailing for the mother:

(a) Name, age, and birth date;

(b) Parity;

(c) Estimated delivery date;

(d) Results of routine blood tests;

(e) Results of any lab tests;

(f) Reason for transfer of care; and

(g) Vital signs;

(5) Provide a form for use in the event of transfer to emergency care detailing for the baby:

(a) Name of the mother and the baby;

(b) Sex of the baby;

- (c) Estimated gestational age;
- (d) Vital signs;
- (e) APGAR scores; and
- (f) Reason for transfer of care.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

324.1237. There is hereby established in the treasury a fund to be known as the "Board of Professional Midwives Fund" which shall consist of all gifts, donations, transfers, and moneys appropriated by the general assembly. All funds received by the board pursuant to the provisions of sections 324.1230 to 324.1245 shall be collected by the director of the department who shall transmit the funds to the department of revenue for deposit in the state treasury to the credit of the board of professional midwives fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys in the fund shall not be transferred and placed to the credit of the general revenue fund until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the fund for the preceding fiscal year.

324.1239. 1. Every licensed professional midwife shall present a written disclosure statement to each client, which shall be signed by the client and kept with the client's records, and which shall include but not be limited to, the following:

- (1) A description of professional midwifery education and related training;
- (2) Licensure as a professional midwife, including the effective dates of the licensure;
- (3) The benefits and risks associated with childbirth in the setting selected by the client;
- (4) A statement concerning the licensed professional midwife's collaborative arrangements with other healthcare professionals, including licensed physicians;
- (5) A statement concerning the licensed professional midwife's malpractice or liability insurance coverage; and
- (6) A written plan, specific to the client, for obtaining medical care, when necessary, which shall include:
 - (a) The name and phone number of the hospital or other healthcare facility to which transfer is preferred should emergency care become necessary; and
 - (b) The plan, protocol, or standing order for fulfilling maternal screening tests and laboratory work required by state statute.

2. Licensed professional midwives shall carry medical malpractice insurance under the same conditions described for physicians in section 383.500, RSMo.

3. Licensed professional midwives may be reimbursed for professional midwifery services under the MO HealthNet program.

324.1240. 1. Nothing in sections 324.1230 to 324.1245 shall be construed to apply to a person who provides information and support in preparation for labor and delivery and assists in the delivery of an infant if that person does not do the following:

- (1) Advertise as a midwife or as a provider of midwife services;**
- (2) Accept compensation for midwife services; and**
- (3) Use any words, letters, signs, or figures to indicate that the person is a midwife.**

2. Nothing in sections 324.1230 to 324.1245 shall be construed to prohibit the attendance at birth of the mother's choice of family, friends, or other uncompensated labor support attendants.

324.1241. 1. Any hospital, physician, nurse, emergency services personnel, or any other licensed health care professional who renders emergency care, treatment, or assistance to any person or persons, when the need of such care, treatment, or assistance arises from care provided by a licensed professional midwife, shall not be held liable for any civil damages except for acts of gross negligence or those occasioned by willful and wanton acts by such person in rendering such emergency care, treatment, or assistance.

2. A licensed health care provider or facility shall not be disciplined for assisting, enabling, aiding, procuring, advising, or encouraging any person licensed to practice professional midwifery who is practicing within the confines of sections 324.1230 to 324.1245.

324.1242. 1. When a birth or stillbirth occurs without a physician in attendance at or immediately after the birth or stillbirth, but with a licensed professional midwife in attendance at or immediately after the birth, it shall be the responsibility of the licensed professional midwife to prepare and file the certificate of birth as required by section 193.085, RSMo, and the reports required under section 193.165, RSMo, and section 210.050, RSMo.

2. Licensed professional midwives shall follow the newborn screening requirements for health care providers with respect to infants born in this state as described under subsections 1, 2, and 5 of section 191.331, RSMo.

3. Licensed professional midwives shall be required to retain patient records for a period of six years and keep such records confidential consistent with the provisions of the federal Health Insurance Portability and Accountability Act, as amended.

324.1243. No licensed professional midwife shall be permitted to:

- (1) Prescribe drugs;**
- (2) Perform medical inductions or cesarean sections during the delivery of an infant;**
- (3) Use forceps during the delivery of an infant;**
- (4) Perform vacuum delivery of an infant;**
- (5) Perform an abortion as defined in chapter 188, RSMo; or**
- (6) Administer prescription drugs, with exceptions limited to:**
 - (a) Neonatal use of prophylactic ophthalmic medications as required in section 210.070, RSMo,**

vitamin K, and oxygen; and

(b) Maternal use of Rho (D) immune globulin, oxygen, local anesthetic, and oxytocin and methylergonovine maleate as postpartum antihemorrhagics.

324.1244. 1. Notwithstanding any other provision of law, a licensed professional midwife providing a service of professional midwifery shall not be deemed to be engaged in the practice of medicine, nursing, nurse-midwifery, or any other medical or healing practice.

2. The provisions of sections 324.1230 to 324.1245 shall be remedial and curative in nature.

324.1245. Any person who violates the provisions of sections 324.1230 to 324.1245, or any rule or order promulgated under authority granted by sections 324.1230 to 324.1245 is guilty of a class A misdemeanor.

334.010. 1. It shall be unlawful for any person not now a registered physician within the meaning of the law to practice medicine or surgery in any of its departments, to engage in the practice of medicine across state lines or to profess to cure and attempt to treat the sick and others afflicted with bodily or mental infirmities, [or engage in the practice of midwifery] in this state, except as herein provided. **The practice of professional midwifery is not the practice of medicine or osteopathy within the meaning of chapter 334, RSMo, and not subject to the provisions of the chapter.**

2. For the purposes of this chapter, the “practice of medicine across state lines” shall mean:

(1) The rendering of a written or otherwise documented medical opinion concerning the diagnosis or treatment of a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent; or

(2) The rendering of treatment to a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent.

3. A physician located outside of this state shall not be required to obtain a license when:

(1) In consultation with a physician licensed to practice medicine in this state; and

(2) The physician licensed in this state retains ultimate authority and responsibility for the diagnosis or diagnoses and treatment in the care of the patient located within this state; or

(3) Evaluating a patient or rendering an oral, written or otherwise documented medical opinion, or when providing testimony or records for the purpose of any civil or criminal action before any judicial or administrative proceeding of this state or other forum in this state; or

(4) Participating in a utilization review pursuant to section 376.1350, RSMo.

334.120. 1. There is hereby created and established a board to be known as “The State Board of Registration for the Healing Arts” for the purpose of registering, licensing and supervising all physicians and surgeons[, and midwives] in this state. **The purpose of the board shall not include registering, licensing, or supervising of professional midwives.** The board shall consist of nine members, including one voting public member, to be appointed by the governor by and with the advice and consent of the senate, at least five of whom shall be graduates of professional schools accredited by the Liaison Committee on Medical Education or recognized by the Educational Commission for Foreign Medical Graduates, and

at least two of whom shall be graduates of professional schools approved and accredited as reputable by the American Osteopathic Association, and all of whom, except the public member, shall be duly licensed and registered as physicians and surgeons pursuant to the laws of this state. Each member must be a citizen of the United States and must have been a resident of this state for a period of at least one year next preceding his or her appointment and shall have been actively engaged in the lawful and ethical practice of the profession of physician and surgeon for at least five years next preceding his or her appointment. Not more than four members shall be affiliated with the same political party. All members shall be appointed for a term of four years. Each member of the board shall receive as compensation an amount set by the board not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be entitled to reimbursement of his or her expenses necessarily incurred in the discharge of his or her official duties. The president of the Missouri State Medical Association, for all medical physician appointments, or the president of the Missouri Association of Osteopathic Physicians and Surgeons, for all osteopathic physician appointments, in office at the time shall, at least ninety days prior to the expiration of the term of the respective board member, other than the public member, or as soon as feasible after the appropriate vacancy on the board otherwise occurs, submit to the director of the division of professional registration a list of five physicians and surgeons qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri State Medical Association or the Missouri Association of Osteopathic Physicians and Surgeons, as appropriate, shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

2. The public member shall be at the time of his or her appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.”; and

Further amend said bill, page 70, section 376.811, line 5 of said page, by inserting immediately after said line the following:

“376.1753. [Notwithstanding any law to the contrary, any person who holds current ministerial or tocological certification by an organization accredited by the National Organization for Competency Assurance (NOCA) may provide services as defined in 42 U.S.C. 1396 r-6(b)(4)(E)(ii)(I).] **Licensed professional midwives under sections 324.1230 to 324.1245, RSMo, may be compensated for professional midwife services by a health benefit plan or insurer under this chapter.**”; and

Further amend said bill, page 71, section 194.233, line 8 of said page, by inserting immediately after said line the following:

“[334.260. On August 29, 1959, all persons licensed under the provisions of chapter 334, RSMo 1949, as midwives shall be deemed to be licensed as midwives under this chapter and subject to all the provisions of this chapter.]”; and

Section B. Because of the need to provide clarity on the issue of the practice of midwifery, the repeal and reenactment of sections 334.010, 334.120, and 376.1753, and the enactment of sections 324.1230, 324.1231, 324.1233, 324.1235, 324.1237, 324.1239, 324.1240, 324.1241, 324.1242, 324.1243, 324.1244, 324.1245, and the repeal of section 334.260 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 334.010, 334.120, and 376.1753, and the enactment of sections 324.1230, 324.1231, 324.1233, 324.1235, 324.1237, 324.1239, 324.1240, 324.1241, 324.1242, 324.1243, 324.1244, 324.1245, and the repeal of section 334.260 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted.

At the request of Senator Callahan, **HB 2081**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 720**, entitled:

An Act to repeal sections 393.275, 407.300, 537.340, 660.115 and 660.135, RSMo, and to enact in lieu thereof fourteen new sections relating to utilities, with penalty provisions.

With House Amendment Nos. 2 and 5.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 720, Page 3, Section 393.171, Lines 1 to 9, by deleting all of said lines and inserting in lieu thereof the following:

“393.171. 1. The commission shall have the authority to grant the permission and approval specified in section 393.170, after the construction or acquisition of any electric plant located in a first class county without a charter form of government has been completed if the commission determines that the grant of such permission and approval is necessary or convenient for the public service. Any such permission and approval shall, for all purposes, have the same effect as the permission and approval granted prior to such construction or acquisition. This subsection is enacted to clarify and specify the law in existence at all times since the original enactment of section 393.170.

2. No permission or approval granted for an electric plant by the commission under subsection 1 of this section, nor any special use permit issued for any such electric plant by the governing body of the county in which the electric plant is located, shall extinguish, render moot, or mitigate any suit or claim pending or otherwise allowable by law by any landowner or other legal entity for monetary damages allegedly caused by the operation or existence of such electric plant.

3. The commission's authority under subsection 1 of this section shall expire on August 28, 2009.”; and

Further amend said bill, Pages 3 and 4, Section 393.275, Lines 1 to 25, by deleting all of said lines and inserting in lieu thereof the following:

“393.275. 1. The commission shall notify the governing body of each city or county imposing a business license tax pursuant to section 66.300, 92.045, 94.110, 94.270 or 94.360, RSMo, or a similar tax adopted pursuant to charter provisions in any constitutional charter city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county, on gross receipts of any gas corporation, electric corporation, water corporation or sewer corporation of any tariff increases authorized for such firm doing business in that city or county if the approved increase exceeds seven percent. The commission shall include with such notice to any city or county the percentage increase approved for the utility, together with an estimate of the annual increase in gross receipts resulting from the tariff increase on customers residing in that city or county. The provisions of this subsection shall not apply to rate adjustments in the purchase price of natural gas which are approved by the commission.

2. The governing body of each city or county notified of a tariff increase as provided in subsection 1 of this section shall reduce the tax rate of its business license tax on the gross receipts of utility corporations. Within sixty days of the effective date of the tariff increase, the tax rate shall be reduced to the extent necessary so that revenue for the ensuing twelve months will be approximately equal to the revenue received during the preceding twelve months plus a growth factor. The growth factor shall be equal to the average of the additional revenue received in each of the preceding three years. However, a city or county may maintain the tax rate of its business license tax on the gross receipts of utility corporations without reduction if an ordinance to maintain the tax rate is enacted by the governing body of the city or an order to maintain the tax rate is issued by the governing body of the county after September 28, 1985. The provisions of this subsection shall not apply to rate adjustments in the purchase price of natural gas which are approved by the commission **and such purchased gas adjustment rates shall include the gas cost portion of net write-offs incurred by the gas corporation in providing service to system sales customers upon the filing and approval of new rate schedules applicable to such customers. Such rate schedules shall be designed to simultaneously decrease the gas corporation's base rates and increase its purchased gas adjustment rates by like amounts so as to reasonably ensure that the gas cost portion of the net write-offs applicable to such customers, as such portion is determined by the commission, is only being recovered once through the gas corporation's purchased gas adjustment rates. Increases and decreases in the gas cost portion of net write-offs shall thereafter be reflected in the gas corporation's purchased gas adjustment rates pursuant to tariff provisions approved by the commission provided, however, that such tariff provisions shall:**

(1) Limit increases or decreases in the gas cost portion of net write-offs as reflected in purchased gas adjustment rates to once each year;

(2) Require a true-up of the gas cost portion of net write-offs as reflected in purchased gas adjustment rates once each year; and

(3) Require commission review of the gas cost portion of net write-offs as reflected in purchased gas adjustment rates once each year to insure that the gas corporation is prudently pursuing collection of amounts owed by its customers.”; and

Further amend said bill, Section 394.320, Page 4 by removing all of said Section from the bill; and

Further amend said bill, Pages 4 and 5, Section 407.300, Lines 1 to 31, by deleting all of said lines and inserting in lieu thereof the following:

“407.300. 1. Every **purchaser or** collector of, or dealer in, junk, **scrap metal**, or any secondhand property shall keep a register [which shall contain the name and address of the person from whom]

containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any:

- (1) Copper, brass, or bronze;
- (2) Aluminum wire [or is purchased,], cable, pipe, tubing, bar, ingot, rod, fitting, or fastener; or
- (3) Material containing copper or aluminum that is knowingly used for farming purposes as “farming” is defined in section 350.010, RSMo;

whatever may be the condition or length of such [copper wire or cable] metal. The record shall contain the following data: A copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof to the person from whom the material is obtained, which shall contain a current address of the person from whom the material is obtained; [the residence or place of business and driver's license number of such person;] and the date, time, and place of and a full description of each such purchase or trade including the quantity by weight thereof[; and shall permit any peace officer to inspect the register at any reasonable time].

2. The records required under this section shall be maintained for a minimum of twenty-four months from when such material is obtained and shall be available for inspection by any law enforcement officer.

3. Anyone convicted of violating this section shall be [fined not less than twenty-five dollars nor more than five hundred dollars, or imprisoned for not less than thirty days nor more than six months, or both] guilty of a class A misdemeanor.

4. This section shall not apply to any of the following transactions:

(1) Any transaction for which the total amount paid for all regulated scrap metal purchased or sold does not exceed fifty dollars;

(2) Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or

(3) Any transaction for which the type of metal subject to subsection 1 of this section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.”; and

Further amend said bill, Page 5, Section 407.301, Lines 1 to 9, by deleting all of said lines and inserting in lieu thereof the following:

“407.301. 1. No scrap metal dealer shall knowingly purchase or possess a metal beer keg, whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store, shred, melt, cut, or otherwise alter scrap metal except when the purchase is from the brewer or its authorized representative. For purposes of this section, “keg” shall have the same meaning as in section 311.082, RSMo.

2. Anyone who is found guilty of, or pleads guilty to, violating this section shall be guilty of a class

A misdemeanor punishable only by fine. Nothing in this section shall be construed to preclude a person violating this section from also being prosecuted for any applicable criminal offense.”; and

Further amend said bill, Page 5, Section 407.302, Lines 1 to 10, by deleting all of said lines and inserting in lieu thereof the following:

“407.302. 1. No scrap yard shall purchase any metal that can be identified as belonging to a public or private cemetery or to a political subdivision or electrical cooperative, municipal utility, or a utility regulated under chapter 386 or 393, RSMo, including bleachers, guardrails, signs, street and traffic lights or signals, and manhole cover or covers, whether broken or unbroken, from anyone other than the cemetery or monument owner, political subdivision, electrical cooperative or utility, or manufacturer of the metal or item described in this section unless such person is authorized in writing by the cemetery or monument owner, political subdivision, electrical cooperative or utility, or manufacturer to sell the metal.

2. Anyone convicted of violating this section shall be guilty of a class B misdemeanor.”; and

Further amend said bill, Page 6, Section 407.303, Lines 1 to 8, by deleting all of said lines and inserting in lieu thereof the following:

“407.303. 1. Any scrap metal dealer paying out an amount that is five hundred dollars or more shall make such payment in the form of a check or shall pay by any method in which a financial institution makes and retains a record of the transaction.

2. This section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.”; and

Further amend said bill, Pages 6 to 8, Section 537.340, Lines 1 to 68, by deleting all of said lines and inserting in lieu thereof the following:

“537.340. 1. If any person shall cut down, injure or destroy or carry away any tree placed or growing for use, shade or ornament, or any timber, rails or wood standing, being or growing on the land of any other person, including any governmental entity, or shall dig up, quarry or carry away any stones, ore or mineral, gravel, clay or mold, or any ice or other substance or material being a part of the realty, or any roots, fruits or plants, or cut down or carry away grass, grain, corn, flax or hemp in which such person has no interest or right, standing, lying or being on land not such person's own, or shall knowingly break the glass or any part of it in any building not such person's own, the person so offending shall pay to the party injured treble the value of the things so injured, broken, destroyed or carried away, with costs. Any person filing a claim for damages pursuant to this section need not prove negligence or intent.

2. Notwithstanding the provisions of subsection 1 of this section, the following rules shall apply to the trimming, removing, and controlling of trees and other vegetation by any electric supplier:

(1) Every electric supplier that operates electric transmission or distribution lines shall have the authority to maintain the same by trimming, removing, and controlling trees and other vegetation posing a hazard to the continued safe and reliable operation thereof;

(2) An electric supplier may exercise its authority under subdivision (1) of this subsection if the

trees and other vegetation are within the legal description of any recorded easement, or in the absence of a recorded easement, the following:

(a) Within ten feet, plus one-half the length of any attached cross arm, of either side of the centerline of electricity lines potentially energized at or below 34.5 kilovolts measured line to line and located within the limits of any city; or

(b) Within thirty feet of either side of the centerline of electricity lines potentially energized at or below 34.5 kilovolts measured line to line and located outside the limits of any city; or

(c) Within fifty feet of either side of the centerline of electricity lines potentially energized between 34.5 and one hundred kilovolts measured line to line; or

(d) Within the greater of the following for any electricity lines potentially energized at one hundred kilovolts or more measured line to line:

a. Seventy-five feet to either side of the centerline; or

b. Any required clearance distance adopted by either the Federal Energy Regulatory Commission or an Electric Reliability Organization authorized by the Energy Policy Act of 2005, 16 U.S.C. Section 824o. Such exercise shall be considered reasonable and necessary for the proper and reliable operation of electric service and shall create a rebuttable presumption, in claims for property damage, that the electric supplier acted with reasonable care, operated within its rights regarding the operation and maintenance of its electricity lines, and has not committed a trespass;

(3) An electric supplier may trim, remove, and control trees and other vegetation outside the provisions in subdivision (2) of this subsection if such actions are necessary to maintain the continued safe and reliable operation of its electric lines;

(4) An electric supplier may secure from the owner or occupier of land greater authority to trim, remove, and control trees and other vegetation than the provisions set forth in subdivision (2) of this subsection and may exercise any and all rights regarding the trimming, removing, and controlling of trees and other vegetation granted in any easement held by the electric supplier;

(5) An electric supplier may trim or remove any tree of sufficient height outside the provisions of subdivision (2) of this subsection when such tree, if it were to fall, would threaten the integrity and safety of any electric transmission or distribution line and would pose a hazard to the continued safe and reliable operation thereof;

(6) Prior to the removal of any tree under the provisions of subdivision (5) of this subsection, an electric supplier shall notify the owner or occupier of land, if available, at least fourteen days prior to such removal, unless either the electric supplier deems the removal to be immediately necessary to continue the safe and reliable operation of its electricity lines, or the electric supplier is trimming or removing trees and other vegetation following a major weather event or other emergency situation;

(7) If any tree which is partially trimmed by an electric supplier dies within three months as a result of such trimming, the owner or occupier of land upon which the tree was trimmed may request in writing that the electric supplier remove such tree at the electric supplier's expense. The electric supplier shall respond to such request within ninety days;

(8) Nothing in this subsection shall be interpreted as requiring any electric supplier to fully exercise the authorities granted in this subsection.

3. For purposes of this section, the term “electric supplier” means any rural cooperative that is subject to the provisions of chapter 394, RSMo, and any electric corporation which is required by its bylaws to operate on the not-for-profit cooperative business plan, with its consumers who receive service as the stockholders of such corporation and that holds a certificate of public convenience and necessity to serve a majority of its customer-owners in counties of the third classification as of August 28, 2003.”; and

Further amend said bill, Page 8, Section 660.135, Lines 1 through 6 by deleting all of said lines and inserting in lieu thereof the following:

“660.135. 1. The utilicare stabilization fund for any fiscal year shall be funded, subject to appropriations, by the general assembly. [Not more than five million dollars from state general revenue shall be appropriated by the general assembly to the utilicare stabilization fund established pursuant to section 660.136 for the support of the utilicare program established by sections 660.100 to 660.136 for any fiscal year, except in succeeding years the amount of state funds may be increased by a percentage which reflects the national cost-of-living index or seven percent, whichever is lower.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 720, Page 1, Section A, Line 4 by inserting after said line the following:

“260.1050. Sections 260.1050 to 260.1101 may be cited as the “Manufacturer Responsibility and Consumer Convenience Equipment Collection and Recovery Act”.

260.1053. As used in sections 260.1050 to 260.1101, the following terms mean:

(1) “Brand”, the name, symbol, logo, trademark, or other information that identifies a product rather than the components of the product;

(2) “Computer materials”, a desktop or notebook computer and includes a computer monitor or other display device that does not contain a tuner;

(3) “Consumer”, an individual who uses equipment that is purchased primarily for personal or home business use;

(4) “Department”, department of natural resources;

(5) “Equipment”, computer materials;

(6) “Manufacturer”, a person:

(a) Who manufactures or manufactured equipment under a brand that:

a. The person owns or owned; or

b. The person is or was licensed to use, other than under a license to manufacture equipment for delivery exclusively to or at the order of the licensor;

(b) Who sells or sold equipment manufactured by others under a brand that:

a. The person owns or owned; or

b. The person is or was licensed to use, other than under a license to manufacture equipment for delivery exclusively to or at the order of the licensor;

(c) Who manufactures or manufactured equipment without affixing a brand;

(d) Who manufactures or manufactured equipment to which the person affixes or affixed a brand that:

a. The person does not or has not owned; or

b. The person is not or was not licensed to use; or

(e) Who imports or imported equipment manufactured outside the United States into the United States unless at the time of importation the company or licensee that sells or sold the equipment to the importer has or had assets or a presence in the United States sufficient to be considered the manufacturer.

260.1059. 1. The collection, recycling, and reuse provisions of sections 260.1050 to 260.1101 apply to equipment used and returned to the manufacturer by a consumer in this state and do not impose any obligation on an owner or operator of a solid waste facility.

2. Sections 260.1050 to 260.1101 do not apply to:

(1) Any part of a motor vehicle, a personal digital assistant, or a telephone, including wireless devices;

(2) A consumer's lease of equipment or a consumer's use of equipment under a lease agreement; or

(3) The sale or lease of equipment to an entity when the manufacturer and the entity enter into a contract that effectively addresses the collection, recycling, and reuse of equipment that has reached the end of its useful life.

260.1062. 1. Before a manufacturer may offer equipment for sale in this state, the manufacturer shall:

(1) Adopt and implement a recovery plan;

(2) Submit a written copy of the recovery plan to the department; and

(3) Affix a permanent, readily visible label to the equipment with the manufacturer's brand.

2. The recovery plan shall enable a consumer to recycle equipment without paying a separate fee at the time of recycling and shall include provisions for:

(1) The manufacturer's collection from a consumer of any equipment that has reached the end of its useful life and is labeled with the manufacturer's brand; and

(2) Recycling or reuse of equipment collected under subdivision (1) of this subsection.

3. The collection of equipment provided under the recovery plan shall be:

(1) Reasonably convenient and available to consumers in this state; and

(2) Designed to meet the collection needs of consumers in this state.

4. Examples of collection methods that alone or combined meet the convenience requirements of

this section include a system:

(1) By which the manufacturer or the manufacturer's designee offers the consumer an option for returning equipment by mail at no charge to the consumer;

(2) Using a physical collection site that the manufacturer or the manufacturer's designee keeps open and staffed and to which the consumer may return equipment; and

(3) Using a collection event held by the manufacturer or the manufacturer's designee at which the consumer may return equipment.

5. Collection services under this section may use existing collection and consolidation infrastructure for handling equipment and may include systems jointly managed by a group of manufacturers, electronic recyclers and repair shops, recyclers of other commodities, reuse organizations, not-for-profit corporations, retailers, recyclers, and other suitable operations. If a manufacturer or its designee offers a mail-back system as described in subsection 4 of this section, either individually or by working together with a group of manufacturers or by working with others, it shall be deemed to meet the convenience requirements of this section.

6. The recovery plan shall include information for the consumer on how and where to return the manufacturer's equipment. The manufacturer:

(1) Shall include collection, recycling, and reuse information on the manufacturer's publicly available Internet site;

(2) Shall provide collection, recycling, and reuse information to the department; and

(3) May include collection, recycling, and reuse information in the packaging for or in other materials that accompany the manufacturer's equipment when the equipment is sold.

7. Information about collection, recycling, and reuse on a manufacturer's publicly available Internet site does not constitute a determination by the department that the manufacturer's recovery plan or actual practices are in compliance with sections 260.1050 to 260.1101 or other state or federal law.

8. Each manufacturer shall submit a report to the department not later than January thirty-first of each year that includes:

(1) The weight of equipment collected, recycled, and reused during the preceding calendar year; and

(2) Documentation certifying that the collection, recycling, and reuse of equipment during the preceding calendar year was conducted in a manner that complies with section 260.1089 regarding sound environmental management.

9. If more than one person is a manufacturer of a certain brand of equipment as defined by section 260.1053, any of those persons may assume responsibility for and satisfy the obligations of a manufacturer under sections 260.1050 to 260.1101 for that brand. If none of those persons assumes responsibility or satisfies the obligations of a manufacturer for the equipment of that brand, the department may consider any of those persons to be the responsible manufacturer for purposes of sections 260.1050 to 260.1101.

10. The obligations under sections 260.1050 to 260.1101 of a manufacturer who manufactures or

manufactured equipment, or sells or sold equipment manufactured by others, under a brand that was previously used by a different person in the manufacture of the equipment extends to all equipment bearing that brand regardless of its date of manufacture.

260.1065. 1. A person who is a retailer of equipment shall not sell or offer to sell new equipment in this state unless the equipment is labeled with the manufacturer's label and the manufacturer is included on the department's list of manufacturers that have recovery plans.

2. Retailers can go to the department's Internet site as outlined in section 260.1071 and view all manufacturers that are listed as having registered a collection program. Covered electronic products from manufacturers on that list may be sold in or into this state.

3. A retailer is not required to collect equipment for recycling or reuse under sections 260.1050 to 260.1101.

260.1068. 1. A manufacturer or retailer of equipment is not liable in any way for information in any form that a consumer leaves on computer materials that are collected, recycled, or reused under sections 260.1050 to 260.1101.

2. The consumer is responsible for any information in any form left on the consumer's computer materials that are collected, recycled, or reused.

3. Compliance with sections 260.1050 to 260.1101 does not exempt a person from liability under other law.

260.1071. 1. The department shall educate consumers regarding the collection, recycling, and reuse of equipment.

2. The department shall host or designate another person to host an Internet site providing consumers with information about the recycling and reuse of equipment, including best management practices and information about and links to information on:

(1) Manufacturers' collection, recycling, and reuse programs, including manufacturers' recovery plans; and

(2) Equipment collection events, collection sites, and community equipment recycling and reuse programs.

260.1074. 1. The department may conduct audits and inspections to determine compliance with sections 260.1050 to 260.1101.

2. The department and the attorney general, as appropriate, shall enforce sections 260.1050 to 260.1101 and, except as provided by subsections 4 and 5 of this section, take enforcement action against any manufacturer, retailer, or person who recycles or reuses equipment for failure to comply with sections 260.1050 to 260.1101.

3. The attorney general may file suit to enjoin an activity related to the sale of equipment in violation of sections 260.1050 to 260.1101.

4. The department shall issue a written warning notice to a person upon the person's first violation of sections 260.1050 to 260.1101. The person shall comply with sections 260.1050 to 260.1101 not later than the sixtieth day after the date the warning notice is issued.

5. A retailer who receives a warning notice from the department that the retailer's inventory violates sections 260.1050 to 260.1101 because it includes equipment from a manufacturer that has not submitted the recovery plan required by section 260.1062 shall bring the inventory into compliance with sections 260.1050 to 260.1101 not later than the sixtieth day after the date the warning notice is issued.

6. (1) The department may assess a penalty against a manufacturer that does not label its equipment or adopt, implement, or submit a recovery plan as required by section 260.1062. No penalty shall be assessed for a first violation and the amount of the penalty shall not exceed ten thousand dollars for the second violation or twenty-five thousand dollars for each subsequent violation.

(2) Any penalty collected under this section shall be credited to the "Equipment Recycling Subaccount", which is hereby created, in the hazardous waste fund. Moneys in the subaccount shall be used for the purpose of administering the provisions of sections 260.1050 to 260.1101. The state treasurer shall be custodian of the subaccount and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the subaccount shall be used solely for the administration of sections 260.1050 to 260.1101. Any moneys remaining in the subaccount at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the subaccount.

260.1077. Financial or proprietary information submitted to the department under sections 260.1050 to 260.1101 shall not be considered a public record under chapter 610, RSMo.

260.1080. The department shall compile information from manufacturers and issue an electronic report to the committee in each house of the general assembly having primary jurisdiction over environmental matters not later than March first of each year.

260.1083. Sections 260.1050 to 260.1101 do not authorize the department to impose a fee, including a recycling fee or registration fee, on a consumer, manufacturer, retailer, or person who recycles or reuses equipment.

260.1089. 1. All equipment collected under sections 260.1050 to 260.1101 shall be recycled or reused in a manner that complies with federal, state, and local law.

2. The department shall, by rule, adopt as mandatory standards for recycling or reuse of equipment in this state the standards provided by "Electronics Recycling Operating Practices" as approved by the board of directors of the Institute of Scrap Recycling Industries, Inc., April 25, 2006, or other standards issued from the U.S. Environmental Protection Agency, if available.

260.1092. 1. If federal law establishes a national program for the collection and recycling of equipment and the department determines that the federal law substantially meets the purposes of sections 260.1050 to 260.1101, the department may adopt an agency statement that interprets the federal law as preemptive of sections 260.1050 to 260.1101.

2. Sections 260.1050 to 260.1101 shall expire on the date the department issues a statement under this section.

260.1101. 1. The department shall adopt any rules required to implement sections 260.1050 to

260.1101 not later than July 1, 2009. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

2. Sections 260.1050 to 260.1101 shall not be enforced before rules developed under this section are promulgated.

3. It shall not be considered a violation of sections 260.1050 to 260.1101 for a retailer to sell any inventory accrued before the effective date of sections 260.1050 to 260.1101.

260.1104. Sections 260.1050 to 260.1101 shall not apply to:

(1) Any computer material that is an electronic device that is a part of a motor vehicle or any part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;

(2) Any electronic device that is functionally or physically a part of, connected to or integrated within a larger piece of equipment designed and intended for use in an industrial, governmental, commercial, research and development, or medical setting, including diagnostic, monitoring, or other medical products as that term is defined under the federal Food, Drug, and Cosmetic Act or equipment used for security, sensing, monitoring, or anti-terrorism purposes;

(3) A covered electronic device that is contained within a clothes washer, clothes dryer, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier;

(4) Telephone of any type, including mobile telephones; or

(5) A personal digital assistant or P.D.A.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

On motion of Senator Shields, the Senate recessed until 1:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Scott.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HCS for HBs 1549, 1771, 1395 and 2366, entitled:

An Act to repeal section 302.720, RSMo, and to enact in lieu thereof five new sections relating to illegal aliens and immigration status, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Rupp.

Senator Rupp offered **SS** for **HCS** for **HBs 1549, 1771, 1395 and 2366**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1549, 1771, 1395 and 2366

An Act to repeal sections 8.283, 302.720, and 544.470, RSMo, and to enact in lieu thereof eighteen new sections relating to illegal aliens, with penalty provisions and an effective date for certain sections.

Senator Rupp moved that **SS** for **HCS** for **HBs 1549, 1771, 1395 and 2366** be adopted.

At the request of Senator Rupp, **HCS** for **HBs 1549, 1771, 1395 and 2366**, with **SS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 711**, entitled:

An Act to repeal sections 52.240, 67.110, 137.055, 137.073, 137.082, 137.115, 137.180, 137.245, 137.275, 137.335, 137.355, 137.375, 137.390, 137.490, 137.510, 137.515, 137.720, 137.721, 137.1018, 138.010, 138.050, 138.090, 138.100, 138.110, 138.120, 138.170, 138.180, 138.380, 138.390, 138.395, 138.400, 138.430, 139.031, 163.044, and 164.151, RSMo, and to enact in lieu thereof fifty-four new sections relating to property taxation, with penalty provisions.

With House Amendment Nos. 1 and 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment Nos. 4 and 5, House Amendment No. 2 to House Amendment No. 6, and House Amendment No. 6, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Page 2, Section 67.110, Line 8, by inserting immediately after the word “**books**” the following: “**for each calendar year after December 31, 2008**”; and

Further amend said bill, Page 14, Section 137.055, Line 8, by inserting immediately after the word “**year**” the following: “**for each calendar year after December 31, 2008**”; and

Further amend said bill, Page 19, Section 137.073, Line 188, by inserting immediately after the word “**increase**” the following: “**and, so adjusted, shall be the current tax rate ceiling**”; and

Further amend said bill, Page 30, Section 137.115, Lines 173 to 177, by deleting all of said lines; and

Further amend said bill, page and section, 30, Line 177, by inserting immediately after all of said line the following:

“137.122. 1. As used in this section, the following terms mean:

(1) “**Business personal property**”, tangible personal property which is used in a trade or business or used for production of income and which has a determinable life of longer than one year except that supplies used by a business shall also be considered business personal property, but shall not include livestock, farm

machinery, grain and other agricultural crops in an unmanufactured condition, property subject to the motor vehicle registration provisions of chapter 301, RSMo, property assessed under section 137.078, the property of rural electric cooperatives under chapter 394, RSMo, or property assessed by the state tax commission under chapters 151, 153, and 155, RSMo, section 137.022, and sections 137.1000 to 137.1030;

(2) “Class life”, the class life of property as set out in the federal Modified Accelerated Cost Recovery System life tables or their successors under the Internal Revenue Code as amended;

(3) “Economic or functional obsolescence”, a loss in value of personal property above and beyond physical deterioration and age of the property. Such loss may be the result of economic or functional obsolescence or both;

(4) “Original cost”, the price the current owner, the taxpayer, paid for the item without freight, installation, or sales or use tax. In the case of acquisition of items of personal property as part of an acquisition of an entity, the original cost shall be the historical cost of those assets remaining in place and in use and the placed in service date shall be the date of acquisition by the entity being acquired;

(5) “Placed in service”, property is placed in service when it is ready and available for a specific use, whether in a business activity, an income-producing activity, a tax-exempt activity, or a personal activity. Even if the property is not being used, the property is in service when it is ready and available for its specific use;

(6) “Recovery period”, the period over which the original cost of depreciable tangible personal property shall be depreciated for property tax purposes and shall be the same as the recovery period allowed for such property under the Internal Revenue Code.

2. To establish uniformity in the assessment of depreciable tangible personal property, each assessor shall use the standardized schedule of depreciation in this section to determine the assessed valuation of depreciable tangible personal property for the purpose of estimating the value of such property subject to taxation under this chapter.

3. For purposes of this section, and to estimate the value of depreciable tangible personal property for mass appraisal purposes, each assessor shall value depreciable tangible personal property by applying the class life and recovery period to the original cost of the property according to the following depreciation schedule. The percentage shown for the first year shall be the percentage of the original cost used for January first of the year following the year of acquisition of the property, and the percentage shown for each succeeding year shall be the percentage of the original cost used for January first of the respective succeeding year as follows:

Year	Recovery Period in Years					
	3	5	7	10	15	20
1	75.00	85.00	89.29	92.50	95.00	96.25
2	37.50	59.50	70.16	78.62	85.50	89.03
3	12.50	41.65	55.13	66.83	76.95	82.35
4	5.00	24.99	42.88	56.81	69.25	76.18
5		10.00	30.63	48.07	62.32	70.46

6	18.38	39.33	56.09	65.18
7	10.00	30.59	50.19	60.29
8		21.85	44.29	55.77
9		15.00	38.38	51.31
10			32.48	46.85
11			26.57	42.38
12			20.67	37.92
13			15.00	33.46
14				29.00
15				24.54
16				20.08
17				20.00

Depreciable tangible personal property in all recovery periods shall continue in subsequent years to have the depreciation factor last listed in the appropriate column so long as it is owned or held by the taxpayer. The state tax commission shall study and analyze the values established by this method of assessment and in every odd-numbered year make recommendations to the joint committee on tax policy pertaining to any changes in this methodology, if any, that are warranted.

4. Such estimate of value determined under this section shall be presumed to be correct for the purpose of determining the true value in money of the depreciable tangible personal property, but such estimation may be disproved by substantial and persuasive evidence of the true value in money under any method determined by the state tax commission to be correct, including, but not limited to, an appraisal of the tangible personal property specifically utilizing generally accepted appraisal techniques, and contained in a narrative appraisal report in accordance with the Uniform Standards of Professional Appraisal Practice or by proof of economic or functional obsolescence or evidence of excessive physical deterioration. For purposes of appeal of the provisions of this section, the salvage or scrap value of depreciable tangible personal property may only be considered if the property is not in use as of the assessment date.

5. This section shall not apply to business personal property placed in service before January 2, 2006. **Nothing in this section shall be found to create a presumption as to the proper method of determining the assessed valuation of business personal property placed in service before January 2, 2006.**

6. The provisions of this section are not intended to modify the definition of tangible personal property as defined in section 137.010.”; and

Further amend said bill, Page 37, Section 137.720, Line 17, by inserting at the end of said line the following: **“The provisions of this subsection shall become effective July 1, 2009.”**; and

Further amend said bill, Page 43, Section 138.400, Line 9, by deleting all of said line and inserting in lieu thereof the following: “the several counties [so that it may be in the possession of county boards of equalization on or”]; and

Further amend said bill, Page 45, Section 138.435, Lines 1 to 35, by deleting all of said lines and

inserting in lieu thereof the following:

“138.435. 1. There is hereby established within the state tax commission the “Office of State Ombudsman for Property Assessment and Taxation”, for the purpose of helping to assure the fairness, accountability, and transparency of the property tax process.

2. The office shall be administered by the state ombudsman, who shall devote his or her entire time to the duties of the position.

3. The office shall establish and implement procedures for receiving, processing, responding to, and resolving complaints made by or on behalf of taxpayers relating to assessments, valuation of property, tax levies of political subdivisions, and appeals before the assessor, board of equalization, or the state tax commission.

4. The ombudsman or representatives of the office shall have the authority to:

(1) Investigate any complaints or inquiries that come to the attention of the office. The ombudsman shall have access to review documents within the offices of assessors, the state tax commission, the state auditor's office, political subdivisions, collectors, clerks, or county commissions. The ombudsman shall have access to review taxpayer records, if given permission by the taxpayer or the taxpayer's legal guardian. Taxpayers shall have the right to request, deny, or terminate any assistance that the ombudsman may provide;

(2) Make the necessary inquiries and review of such information and records as the ombudsman or representative of the office deems necessary to accomplish the objective of verifying these complaints.

5. The office shall acknowledge complaints, report its findings, make recommendations, gather and disseminate information and other material, and publicize its existence.

6. The ombudsman may recommend to the relevant state or local governmental agency or political subdivision changes in the rules and regulations adopted or proposed by such governmental agency or political subdivision which do or may adversely affect the rights or privileges of taxpayers. The office shall analyze and monitor the development and implementation of federal, state and local laws, regulations, and policies with respect to property assessment and taxation, and shall recommend to the state tax commission changes in such laws, regulations, and policies deemed by the office to be appropriate.

7. The office shall promote community contact and involvement with taxpayers through the use of volunteers and volunteer programs to encourage citizen involvement in the property tax process.

8. The office shall prepare and distribute to each county written notices which set forth the address, telephone number, and e-mail address of the office, a brief explanation of the function of the office, the procedure to follow in filing a complaint, and other pertinent information.

9. The county shall ensure that such written notice is available upon request of any taxpayer.

10. The office shall inform taxpayers or their legal guardians of their rights and entitlements by means of the distribution of educational materials and group meetings.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Section 137.115, Page 25, Line 7 by inserting the letter, “y” at the end of the word, “possessor”; and

Further amend said bill, section, page, Line 9 by deleting the words, “**possessor interest**” and inserting in lieu thereof the words, “**possessory interest**”; and

Further amend said bill, section, page, Line 13, by deleting the words, “**possessor interest**” and inserting in lieu thereof the words, “**possessory interest**”; and

Further amend said bill, section, page, Line 16, by deleting the words, “**possessor interest**” and inserting in lieu thereof the words, “**possessory interest**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Page 1, Line 8, by inserting immediately after all of said line the following:

“Further amend said bill, Sections 135.037 through 135.083, Pages 4-13 by deleting all of said sections from the bill, and

Further amend said bill, Section 137.073, Page 19, Line 163 by inserting after the word “a” the word “**recorded**”; and

Further amend said bill, section, and page, Line 164 by inserting after the word “majority” the words “**plus one**”; and

Further amend said bill, Section 137.082, Page 25, Line 83 by inserting after all of said section the following:

“137.106. 1. This section [may] **shall** be known and may be cited as “The Missouri Homestead Preservation Act”.

2. As used in this section, the following terms shall mean:

- (1) “Department”, the department of revenue;
- (2) “Director”, the director of revenue;
- (3) “Disabled”, as such term is defined in section 135.010, RSMo;

(4) “Eligible owner”, any individual owner of property who is sixty-five years old or older as of January first of the tax year in which the individual is claiming the credit or who is disabled, and who had an income of equal to or less than the maximum upper limit in the year prior to completing an application pursuant to this section; or

(a) In the case of a married couple owning property either jointly or as tenants by the entirety, or where only one spouse owns the property, such couple shall be considered an eligible taxpayer if both spouses

have reached the age of sixty-five or if one spouse is disabled, or if one spouse is at least sixty-five years old and the other spouse is at least sixty years old, and the combined income of the couple in the year prior to completing an application pursuant to this section did not exceed the maximum upper limit; or

(b) In the case of joint ownership by unmarried persons or ownership by tenancy in common by two or more unmarried persons, such owners shall be considered an eligible owner if each person with an ownership interest individually satisfies the eligibility requirements for an individual eligible owner under this section and the combined income of all individuals with an interest in the property is equal to or less than the maximum upper limit in the year prior to completing an application under this section. If any individual with an ownership interest in the property fails to satisfy the eligibility requirements of an individual eligible owner or if the combined income of all individuals with interest in the property exceeds the maximum upper limit, then all individuals with an ownership interest in such property shall be deemed ineligible owners regardless of such other individual's ability to individually meet the eligibility requirements; or

(c) In the case of property held in trust, the eligible owner and recipient of the tax credit shall be the trust itself provided the previous owner of the homestead or the previous owner's spouse: is the settlor of the trust with respect to the homestead; currently resides in such homestead; and but for the transfer of such property would have satisfied the age, ownership, and maximum upper limit requirements for income as defined in subdivisions (7) and (8) of this subsection[;].

No individual shall be an eligible owner if the individual has not paid [their] **such individual's** property tax liability, if any, in full by the payment due date in any of the three prior tax years, except that a late payment of a property tax liability in any prior year shall not disqualify a potential eligible owner if such owner paid in full the tax liability and any and all penalties, additions and interest that arose as a result of such late payment; no individual shall be an eligible owner if such person filed a valid claim for the senior citizens property tax relief credit pursuant to sections 135.010 to 135.035, RSMo;

(5) "Homestead", as such term is defined pursuant to section 135.010, RSMo, except as limited by provisions of this section to the contrary. No property shall be considered a homestead if such property was improved since the most recent annual assessment by more than five percent of the prior year appraised value, except where an eligible owner of the property has made such improvements to accommodate a disabled person;

(6) "Homestead exemption limit", a percentage increase, rounded to the nearest hundredth of a percent, which shall be equal to the percentage increase to tax liability, not including improvements, of a homestead from one tax year to the next that exceeds a certain percentage set pursuant to subsection [10] 7 of this section. [For applications filed in 2005 or 2006, the homestead exemption limit shall be based on the increase to tax liability from 2004 to 2005. For applications filed between April 1, 2005, and September 30, 2006, an eligible owner, who otherwise satisfied the requirements of this section, shall not apply for the homestead exemption credit more than once during such period.] For applications filed [after 2006] **in 2008**, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application. **For applications filed after 2008, the homestead exemption limit shall be based on the increase to tax liability from the base year to the year prior to the application year. For purposes of this subdivision, "base year" means the year prior to the first year in which the eligible owner's application was approved, or 2006, whichever is later;**

(7) "Income", federal adjusted gross income, and in the case of ownership of the homestead by trust,

the income of the settlor applicant shall be imputed to the income of the trust for purposes of determining eligibility with regards to the maximum upper limit;

(8) "Maximum upper limit", in the calendar year 2005, the income sum of seventy thousand dollars; in each successive calendar year this amount shall be raised by the incremental increase in the general price level, as defined pursuant to article X, section 17 of the Missouri Constitution.

3. Pursuant to article X, section 6(a) of the Constitution of Missouri, if in the prior tax year, the property tax liability on any parcel of subclass (1) real property increased by more than the homestead exemption limit, without regard for any prior credit received due to the provisions of this section, then any eligible owner of the property shall receive a homestead exemption credit to be applied in the current tax year property tax liability to offset the prior year increase to tax liability that exceeds the homestead exemption limit, except as eligibility for the credit is limited by the provisions of this section. The amount of the credit shall be listed separately on each taxpayer's tax bill for the current tax year, or on a document enclosed with the taxpayer's bill. The homestead exemption credit shall not affect the process of setting the tax rate as required pursuant to article X, section 22 of the Constitution of Missouri and section 137.073 in any prior, current, or subsequent tax year.

4. [If application is made in 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application through their local assessor's office. Applications may be completed between April first and September thirtieth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided to the assessor's office by the department. Forms also shall be made available on the department's Internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

(1) To the applicant's age;

(2) That the applicant's prior year income was less than the maximum upper limit;

(3) To the address of the homestead property; and

(4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value. The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the two prior tax years.

5. If application is made in 2005, the assessor, upon request for an application, shall:

(1) Certify the parcel number and owner of record as of January first of the homestead, including verification of the acreage classified as residential on the assessor's property record card;

(2) Obtain appropriate prior tax year levy codes for each homestead from the county clerks for inclusion on the form;

(3) Record on the application the assessed valuation of the homestead for the current tax year, and any new construction or improvements for the current tax year; and

(4) Sign the application, certifying the accuracy of the assessor's entries.

6. If application is made after 2005,] Any potential eligible owner may apply for the homestead

exemption credit by completing an application. Applications may be completed between April first and October fifteenth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided by the department. Forms also shall be made available on the department's Internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

(1) To the applicant's age;

(2) That the applicant's prior year income was less than the maximum upper limit;

(3) To the address of the homestead property;

(4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value[; and

(5)] .

The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the three prior tax years.

[7.] **5.** Each applicant shall send the application to the department by [September thirtieth] **October fifteenth** of each year for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the application was completed.

[8. If application is made in 2005, upon receipt of the applications, the department shall calculate the tax liability, adjusted to exclude new construction or improvements verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant has also filed a valid application for the senior citizens property tax credit, pursuant to sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit, and provide a list of all verified eligible owners to the county collectors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county collectors or county clerks in counties with a township form of government shall provide a list to the department of any verified eligible owners who failed to pay the property tax due for the tax year that ended immediately prior. Such eligible owners shall be disqualified from receiving the credit in the current tax year.

9. If application is made after 2005,] **6.** Upon receipt of the applications, the department shall calculate the tax liability, verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant also has filed a valid application for the senior citizens property tax credit under sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit and provide a list of all verified eligible owners to the county assessors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county assessors shall provide a list to the department of any verified eligible owners who made improvements not for accommodation of a disability to the homestead and the dollar amount of the assessed value of such improvements. If the dollar amount of the assessed value of such improvements totaled more than five percent of the prior year appraised value, such eligible owners shall be disqualified from receiving the credit in the current tax year.

[10.] **7.** The director shall calculate the level of appropriation necessary [to] **and** set the homestead exemption limit at five percent when based on a year of general reassessment or at two and one-half percent when based on a year without general reassessment for the homesteads of all verified eligible owners, and provide such calculation to the speaker of the house of representatives, the president pro tempore of the senate, and the director of the office of budget and planning in the office of administration by January thirty-first of each year.

[11. For applications made in 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all but one-quarter of one percent of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year. The remaining one-quarter of one percent shall be distributed to the county assessment funds of each county on a proportional basis, based on the number of eligible owners in each county; such one-quarter percent distribution shall be delineated in any such appropriation as a separate line item in the total appropriation.]

8. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

[12. After setting the homestead exemption limit for applications made in 2005, the director shall apply the limit to the homestead of each verified eligible owner and calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation and assessment fund allocation to the county collector's funds of each county or the treasurer ex officio collector's fund in counties with a township form of government where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued, plus the one-quarter of one percent distribution for the county assessment funds. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section plus the one-quarter of one percent distribution for the county assessment funds. Funds, at the direction of the county collector or the treasurer ex officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or the treasurer ex officio collector's fund or may be sent by mail to the collector of a county, or the treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued. In counties with a township form of government, the county clerk shall provide the treasurer ex officio collector a summary of the homestead exemption credit for each township for the purpose of distributing the total homestead exemption credit to each township collector in a particular county.

13.] **9.** If, in any given year after 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall[, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year] **determine the apportionment percentage by equally apportioning the appropriation among all eligible applicants on a percentage basis.** If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

[14.] **10.** After [setting the homestead exemption limit for applications made after 2005, the director shall apply the limit to the homestead of each verified eligible owner and] **determining the apportionment percentage, the director shall** calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation to the county collector's fund of each county where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section. Funds, at the direction of the collector of the county or treasurer ex officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or may be sent by mail to the collector of a county, or treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued.

[15.] **11.** The department shall promulgate rules for implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. Any rule promulgated by the department shall in no way impact, affect, interrupt, or interfere with the performance of the required statutory duties of any county elected official, more particularly including the county collector when performing such duties as deemed necessary for the distribution of any homestead appropriation and the distribution of all other real and personal property taxes.

[16.] **12.** In the event that an eligible owner dies or transfers ownership of the property after the homestead exemption limit has been set in any given year, but prior to January first of the year in which the credit would otherwise be applied, the credit shall be void and any corresponding moneys[, pursuant to subsection 12 of this section,] shall lapse to the state to be credited to the general revenue fund. In the event

the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government determines prior to issuing the credit that the individual is not an eligible owner because the individual did not pay the prior three years' property tax liability in full, the credit shall be void and any corresponding moneys[, under subsection 11 of this section,] shall lapse to the state to be credited to the general revenue fund.

[17. This section shall apply to all tax years beginning on or after January 1, 2005. This subsection shall become effective June 28, 2004.

18.] **13.** In accordance with the provisions of sections 23.250 to 23.298, RSMo, and unless otherwise authorized pursuant to section 23.253, RSMo:

(1) Any new program authorized under the provisions of this section shall automatically sunset six years after the effective date of this section; and

(2) This section shall terminate on September first of the year following the year in which any new program authorized under this section is sunset, and the revisor of statutes shall designate such sections and this section in a revision bill for repeal.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Page 6, Section 135.047, Line 8, by deleting the word “**clerk**” and inserting in lieu thereof the following: “**recorder of deeds**”; and

Further amend said bill, Page 6, Section 135.047, Line 10, by deleting all of said line and inserting in lieu thereof the following:

“**3. The director shall be**”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Section 135.083, Page 13, Line 35, by inserting after all of said section the following:

“137.016. 1. As used in section 4(b) of article X of the Missouri Constitution, the following terms mean:

(1) “Residential property”, all real property improved by a structure which is used or intended to be used for residential living by human occupants, vacant land in connection with an airport, land used as a golf course, and manufactured home parks, but residential property shall not include other similar facilities used primarily for transient housing. For the purposes of this section, “transient housing” means all rooms available for rent or lease for which the receipts from the rent or lease of such rooms are subject to state sales tax pursuant to section 144.020.1(6), RSMo;

(2) “Agricultural and horticultural property”, all real property used for agricultural purposes and devoted primarily to the raising and harvesting of crops; to the feeding, breeding and management of

livestock which shall include breeding, **showing**, and boarding of horses; to dairying, or to any other combination thereof; and buildings and structures customarily associated with farming, agricultural, and horticultural uses. Agricultural and horticultural property shall also include land devoted to and qualifying for payments or other compensation under a soil conservation or agricultural assistance program under an agreement with an agency of the federal government. Agricultural and horticultural property shall further include land and improvements, exclusive of structures, on privately owned airports that qualify as reliever airports under the Nation Plan of Integrated Airports System, to receive federal airport improvement project funds through the Federal Aviation Administration. Real property classified as forest croplands shall not be agricultural or horticultural property so long as it is classified as forest croplands and shall be taxed in accordance with the laws enacted to implement section 7 of article X of the Missouri Constitution;

(3) “Utility, industrial, commercial, railroad and other real property”, all real property used directly or indirectly, for any commercial, mining, industrial, manufacturing, trade, professional, business, or similar purpose, including all property centrally assessed by the state tax commission but shall not include floating docks, portions of which are separately owned and the remainder of which is designated for common ownership and in which no one person or business entity owns more than five individual units. All other real property not included in the property listed in subclasses (1) and (2) of section 4(b) of article X of the Missouri Constitution, as such property is defined in this section, shall be deemed to be included in the term “utility, industrial, commercial, railroad and other real property”.

2. Pursuant to article X of the state constitution, any taxing district may adjust its operating levy to recoup any loss of property tax revenue, except revenues from the surtax imposed pursuant to article X, section 6.2 of the constitution, as the result of changing the classification of structures intended to be used for residential living by human occupants which contain five or more dwelling units if such adjustment of the levy does not exceed the highest tax rate in effect subsequent to the 1980 tax year. For purposes of this section, loss in revenue shall include the difference between the revenue that would have been collected on such property under its classification prior to enactment of this section and the amount to be collected under its classification under this section. The county assessor of each county or city not within a county shall provide information to each taxing district within its boundaries regarding the difference in assessed valuation of such property as the result of such change in classification.

3. All reclassification of property as the result of changing the classification of structures intended to be used for residential living by human occupants which contain five or more dwelling units shall apply to assessments made after December 31, 1994.

4. Where real property is used or held for use for more than one purpose and such uses result in different classifications, the county assessor shall allocate to each classification the percentage of the true value in money of the property devoted to each use; except that, where agricultural and horticultural property, as defined in this section, also contains a dwelling unit or units, the farm dwelling, appurtenant residential-related structures and up to five acres immediately surrounding such farm dwelling shall be residential property, as defined in this section.

5. All real property which is vacant, unused, or held for future use; which is used for a private club, a not-for-profit or other nonexempt lodge, club, business, trade, service organization, or similar entity; or for which a determination as to its classification cannot be made under the definitions set out in subsection 1 of this section, shall be classified according to its immediate most suitable economic use, which use shall

be determined after consideration of:

- (1) Immediate prior use, if any, of such property;
- (2) Location of such property;
- (3) Zoning classification of such property; except that, such zoning classification shall not be considered conclusive if, upon consideration of all factors, it is determined that such zoning classification does not reflect the immediate most suitable economic use of the property;
- (4) Other legal restrictions on the use of such property;
- (5) Availability of water, electricity, gas, sewers, street lighting, and other public services for such property;
- (6) Size of such property;
- (7) Access of such property to public thoroughfares; and
- (8) Any other factors relevant to a determination of the immediate most suitable economic use of such property.

6. All lands classified as forest croplands shall not, for taxation purposes, be classified as subclass (1), subclass (2), or subclass (3) real property, as such classes are prescribed in section 4(b) of article X of the Missouri Constitution and defined in this section, but shall be taxed in accordance with the laws enacted to implement section 7 of article X of the Missouri Constitution.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Page 24, Section 137.082, Line 83, by inserting after all of said line the following:

“137.092. 1. As used in this section, the following terms mean:

- (1) “Personal property”, any house trailer, manufactured home, [boat, vessel, floating home, floating structure,] airplane, or aircraft;
- (2) “Rental or leasing facility”, any manufactured home park, manufactured home storage facility, [marina or comparable facility providing dockage or storage space,] or any hangar or similar aircraft storage facility.

2. For all calendar years beginning on or after January 1, 2008, every owner of a rental or leasing facility shall, by January thirtieth of each year, furnish the assessor of the county in which the rental or leasing facility is located a list of the [personal property] **lessees** located at the rental or leasing facility on January first of each year. The list shall include:

- (1) The name of the [owner of the personal property] **lessee**;
- (2) The [owner's] **lessee's** address and county of residency[, if known];
- (3) A description of the personal property located at the facility if the owner of the rental or leasing

facility knows of or has been made aware of the nature of such personal property.

3. If the owner of a rental or leasing facility fails to submit the list by January thirtieth of each year, or fails to include all the information required by this section on the list, the valuation of the personal property that is not listed as required by this section and that is located at the rental or leasing facility shall be assessed to the owner of the rental or leasing facility.

4. The assessor of the county in which the rental or leasing facility is located shall also collect a penalty as additional tax on the assessed valuation of such personal property that is not listed as required by this section. The penalty shall be collected as follows:

Assessed valuation	Penalty
\$0 to \$1,000	\$ 10.00
\$1,001 to \$2,000	\$ 20.00
\$2,001 to \$3,000	\$ 30.00
\$3,001 to \$4,000	\$ 40.00
\$4,001 to \$5,000	\$ 50.00
\$5,001 to \$6,000	\$ 60.00
\$6,001 to \$7,000	\$ 70.00
\$7,001 to \$8,000	\$ 80.00
\$8,001 to \$9,000	\$ 90.00
\$9,001 and above	\$100.00

5. The funds derived from the penalty collected under this section shall be disbursed proportionately to any taxing entity authorized to levy a tax on such personal property. No rental or leasing facility owner penalized under this section shall be subject to any penalty authorized in section 137.280 or 137.345 for the same personal property in the same tax year].”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO HOUSE AMENDMENT NO. 6

Amend House Amendment No. 6 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Line 5, by deleting the word “two” and replacing with “.5”.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Section 163.044, Page 50, Line 13, by inserting after all of said line, the following:

“Section 1. The director of the department of revenue shall collect a maximum fee of two cents per motor vehicle or driver license record for batch/bulk customer requests that meet the criteria enumerated in the Drivers Privacy and Protection Act.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references

accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Gibbons moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 711**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Rupp moved that **HCS** for **HBs 1549, 1771, 1395** and **2366**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HCS** for **HBs 1549, 1771, 1395** and **2366** was again taken up.

Senator Smith offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 4, Section 208.009, Line 13 of said page, by inserting at the end of said line the following: “**The requirements of this section shall not apply to a custodial parent applying for a public benefit on behalf of his or her child who is lawfully present in the United States.**”.

Senator Smith moved that the above amendment be adopted, which motion failed.

Senator Wilson offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 27, Section 577.900, Line 17 of said page, by inserting at the end of said line the following: “**If a person is held under the provisions of this section at a county jail that does not meet the federal requirements of a detention facility, and therefore does not qualify to receive reimbursement from the federal government for housing of the person, then the state shall reimburse the county for any housing costs at a rate equal to or greater than the federal government's housing reimbursement rate.**”.

Senator Wilson moved that the above amendment be adopted, which motion failed.

Senator Bray offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 29, Section 650.681, Line 14, by inserting immediately after all of said line the following:

“**Section 1. Notwithstanding any other provision of law to the contrary, any person who is a victim of an offense as provided in sections 566.200 to 566.221, RSMo, shall not be considered an illegal alien or unlawfully present in this state.**”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Dempsey assumed the Chair.

At the request of Senator Bray, **SA 3** was withdrawn.

Senator Smith offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 4, Section 208.009, Line 13, by inserting at the end of said line, the following: **“In processing applications for public benefits, an employee of an agency of state or local government shall not inquire about the legal status of a custodial parent or guardian applying for a public benefit on behalf of his or her dependent child who is a citizen or permanent resident of the United States.”**.

Senator Smith moved that the above amendment be adopted, which motion prevailed.

Senator Smith offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 3, Section 208.009, Line 16 of said page, by inserting after “care,” the following: **“prenatal care, services offering alternatives to abortion,”**.

Senator Smith moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 26, Section 577.722, Line 19, by inserting immediately after the word “of”, the following: **“8”**.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 29, Section 650.681, Line 14, by inserting after all of said line, the following:

“5. The provisions of subsections 1 and 2 of this section shall not apply to any state or local agency administering one or more federal public benefit programs as such term is defined in 8 U.S.C. 1612.”.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 11, Section 285.535, Line 28, by striking the word “ten” and inserting in lieu thereof the following: **“fifteen”**; and further amend page 12, line 10 by striking the word “ten” and inserting in lieu thereof the following: **“fifteen”**.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 1, In the Title, Line 4 of said page, by inserting immediately after “provisions” the following: “, an emergency clause for certain sections,”; and

Further amend said bill, page 5, section 208.009, line 24 of said page, by inserting after all of said line the following:

“285.309. 1. Every employer doing business in this state who employs five or more employees shall, if applicable, submit federal 1099 miscellaneous forms to the department of revenue. Such forms shall be submitted to the department of revenue within the time lines established for the filing of Missouri Form 99 forms.

2. Any employer who intentionally, on five or more occasions, fails to submit information on any employee required under subsection 1 of this section is guilty of a class A misdemeanor and shall be fined not more than one hundred dollars for each time the employer fails to submit the information on or after the fifth occurrence. If the failure is the result of a conspiracy between the employer and the employee or worker to not supply the required report or to supply a false or incomplete report, the fine shall be one thousand dollars for each failure to report or each false or incomplete report on and after the fifth occurrence.

285.500. For the purposes of sections 285.500 to 285.515 the following terms mean:

(1) “Employee”, any individual who performs services for an employer that would indicate an employer-employee relationship in satisfaction of the factors in IRS Rev. Rule 87-41, 1987-1 C.B.296.;

(2) “Employer”, any individual, organization, partnership, political subdivision, corporation, or other legal entity which has or had in the entity's employ five or more individuals performing any of the following services within this state:

(a) Construction as defined in section 290.210, RSMo;

(b) Public works as defined in section 290.210, RSMo;

(c) Maintenance work as defined in section 290.210, RSMo.

285.503. 1. An employer knowingly misclassifies a worker if that employer fails to claim the worker as an employee but knows, or has reason to know, that worker is an employee.

2. The attorney general may investigate alleged or suspected violations of sections 285.500 to 285.515 and shall have all powers provided by sections 407.040 to 407.090, RSMo, in connection with any investigation of an alleged or suspected violation of sections 285.500 to 285.515 as if the acts enumerated in sections 285.500 to 285.515 are unlawful acts proscribed by chapter 407, RSMo.

3. In addition to the powers set out in subsection 1 of this section, the attorney general may serve and enforce subpoenas related to the enforcement of sections 285.500 to 285.515.

285.506. 1. In any action brought under sections 285.500 to 285.515, the state shall have the burden of proving that the employer misclassified the worker. If the state is unable to produce any evidence supporting its contention that the alleged misclassified worker is misclassified, the court shall

find that the worker is not an employee for purposes of that action.

2. In any action brought under sections 285.500 to 285.515, there is a rebuttable presumption that a worker is an employee if the worker is an unauthorized alien as defined in 8 U.S.C. 1324a(h)(3). To rebut this presumption, the employer must produce an I-9 form to establish that the worker is not an unauthorized alien or other documentation to show that the worker is an independent contractor. If the employer fails to produce such evidence, the court shall find that the worker is an employee for purposes of that action.

285.509. 1. The department of labor and industrial relations shall establish a complaint form to receive complaints about alleged misclassification of workers. The form shall be made available on the Internet. Upon receiving a complaint, the department shall cross-check the complaint against any employer records it maintains and shall also cross-check the complaint against any records maintained by the department of revenue.

2. If the department determines, after conducting the review set out in subsection 1 of this section, that an employer appears to have misclassified a worker, it shall forward its determination along with supporting documentation to the attorney general.

3. Upon receiving the department's determination, the attorney general may request additional information or records from the department of labor and industrial relations, the department of revenue, or any other state agency that may have information or records relevant to the matter. Upon request, the department or other state agency shall provide the information or records requested. If the attorney general receives records that are otherwise closed pursuant to law, the attorney general shall likewise treat any such records obtained in the course of an investigation as closed records, except that such records may be used in the course of any action brought under sections 285.500 to 285.515.

4. The department of labor and industrial relations shall have the authority to promulgate rules necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

285.512. 1. Whenever the attorney general has reason to believe that an employer has engaged in, is engaging in, or is about to engage in any conduct that would be a violation of sections 285.500 to 285.515, the attorney general may seek an injunction prohibiting the employer from engaging in such conduct.

2. The attorney general may bring an action for injunctive relief in the circuit court of any county where the alleged violation is occurring or about to occur.

3. In seeking injunctive relief, the attorney general may petition the court to order that all work contracted for by the employer at any site of the employer be halted if the court determines that the employer has engaged in, or is about to engage in, any conduct that would be a violation of sections

285.500 to 285.515. In addition to such relief, the court may issue any other order or judgment necessary to prevent the employer from committing any further violations of sections 285.500 to 285.515.

285.515. 1. If a court determines that an employer has knowingly misclassified a worker, the court shall enter a judgment in favor of the state and award penalties in the amount of fifty dollars per day per misclassified worker up to a maximum of fifty thousand dollars to the Missouri worker protection fund established in section 285.518.

2. If a court determines that an employer has knowingly misclassified a worker after having been previously adjudicated for knowing misclassification of a worker, the court shall enter a judgment in favor of the state and award penalties in the amount of one hundred dollars per day per misclassified worker up to a maximum of one hundred thousand dollars to the Missouri worker protection fund established in section 285.518.

3. The court may, in addition to the penalties authorized by this section, order that attorneys' fees and costs be paid to the state.

4. The attorney general may enter into a consent judgment with any person alleged to have violated sections 285.500 to 285.515.

285.518. There is hereby created in the state treasury the “Missouri Worker Protection Fund”, which shall consist of money collected under sections 285.500 to 285.515. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of sections 285.500 to 285.515. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. This fund shall be administered by the attorney general for the purposes of ensuring that Missouri employers hire employees and subcontract with workers who are not misclassified. The fund shall consist of:

- (1) All amounts ordered to be paid into the fund pursuant to section 285.515;**
- (2) Any amounts appropriated to the fund; and**
- (3) Any voluntary contributions, gifts, or bequests to the fund.”; and**

Further amend said bill, section C, page 30, line 25 of said page, by inserting immediately after all of said line the following:

“Section D. Because of the need to provide a level playing field for Missouri employers and workers, the provisions of sections 285.309 and 285.500 to 285.518 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency within the meaning of the constitution, and sections 285.309 and 285.500 to 285.518 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 29, Section 650.681, Line 14, by inserting immediately after all of said line the following:

“Section 1. Notwithstanding any other provision of law to the contrary, no benefit administered by the state or a political subdivision that is denied to an individual on the basis of unlawful presence in the United States shall be denied to any person who is the victim of an offense under sections 566.200 to 566.221, RSMo, so long as such person is otherwise eligible.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

At the request of Senator Rupp, **HCS** for **HBs 1549, 1771, 1395 and 2366**, with **SS** and **SA 10** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 901**.

With House Substitute Amendment No. 1 for House Amendment No. 1.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR
HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 901, Section 287.230, Page 6, Line 20, by inserting immediately after said line the following:

“Section 1. 1. The provisions of chapter 287, RSMo, shall not be construed as prohibiting an employer with fewer than fifty employees from procuring disability insurance for his or her workers provided the insurance the employer purchases is registered with and approved by the division of workers' compensation.

2. The division shall establish insurance requirements and verification procedures for employers who obtain disability insurance.

3. Any employer purchasing disability insurance shall not be required to pay the second injury fund surcharge as required by section 287.715.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 711** as amended and grants the Senate a conference thereon and the House conferees be bound to **HA 6** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 932**, entitled:

An Act to repeal sections 590.050 and 650.120, RSMo, and to enact in lieu thereof two new sections relating to Internet sex crimes investigation grant program.

With House Amendment No. 1

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 932, Page 1, Section A, Line 2, by inserting after all of said line the following:

“542.276. 1. Any peace officer or prosecuting attorney may make application under section 542.271 for the issuance of a search warrant.

2. The application shall:

(1) Be in writing;

(2) State the time and date of the making of the application;

(3) Identify the property, article, material, substance or person which is to be searched for and seized, in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;

(4) Identify the person, place, or thing which is to be searched, in sufficient detail and particularity that the officer executing the warrant can readily ascertain whom or what he or she is to search;

(5) State facts sufficient to show probable cause for the issuance of a search warrant;

(6) Be verified by the oath or affirmation of the applicant;

(7) Be filed in the proper court;

(8) Be signed by the prosecuting attorney of the county where the search is to take place, or his or her designated assistant.

3. The application may be supplemented by a written affidavit verified by oath or affirmation. Such affidavit shall be considered in determining whether there is probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the person, place, or thing to be searched or of the property, article, material, substance, or person to be seized. Oral testimony shall not be considered. The application may be submitted by facsimile or other electronic means.

4. The judge shall determine whether sufficient facts have been stated to justify the issuance of a search warrant. If it appears from the application and any supporting affidavit that there is probable cause to believe that property, article, material, substance, or person subject to seizure is on the person or at the place or in the thing described, a search warrant shall immediately be issued. The warrant shall be issued in the form of an original and two copies.

5. The application and any supporting affidavit and a copy of the warrant shall be retained in the records of the court from which the warrant was issued.

6. The search warrant shall:

(1) Be in writing and in the name of the state of Missouri;

(2) Be directed to any peace officer in the state;

(3) State the time and date the warrant is issued;

(4) Identify the property, article, material, substance or person which is to be searched for and seized, in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;

(5) Identify the person, place, or thing which is to be searched, in sufficient detail and particularity that the officer executing the warrant can readily ascertain whom or what he or she is to search;

(6) Command that the described person, place, or thing be searched and that any of the described property, article, material, substance, or person found thereon or therein be seized or photographed or copied and within ten days after filing of the application, any photographs or copies of the items may be filed with the issuing court;

(7) Be signed by the judge, with his or her title of office indicated.

7. A search warrant issued under this section may be executed only by a peace officer. The warrant shall be executed by conducting the search and seizure commanded. The search warrant issued under this section may be issued by facsimile or other electronic means.

8. A search warrant shall be executed as soon as practicable and shall expire if it is not executed and the return made within ten days after the date of the making of the application. **A search and any subsequent searches of the contents of any property, article, material, or substance seized and removed from the location of the execution of any search warrant during its execution may be conducted at any time during or after the execution of the warrant, subject to the continued existence of probable cause to search the property, article, material, or substance seized and removed. A search and any subsequent searches of the property, article, material, or substance seized and removed may be conducted after the time for delivering the warrant, return, and receipt to the issuing judge has expired. A supplemental return and receipt shall be delivered to the issuing judge upon final completion of any search which concludes after the expiration of time for delivering the original return and receipt.**

9. After execution of the search warrant, the warrant with a return thereon, signed by the officer making the search, shall be delivered to the judge who issued the warrant. The return shall show the date and manner of execution, what was seized, and the name of the possessor and of the owner, when he or she is not the same person, if known. The return shall be accompanied by a copy of the itemized receipt required by subsection 6 of section 542.291. The judge or clerk shall, upon request, deliver a copy of such receipt to the person from whose possession the property was taken and to the applicant for the warrant.

10. A search warrant shall be deemed invalid:

(1) If it was not issued by a judge; or

(2) If it was issued without a written application having been filed and verified; or

(3) If it was issued without probable cause; or

(4) If it was not issued in the proper county; or

(5) If it does not describe the person, place, or thing to be searched or the property, article, material,

substance, or person to be seized with sufficient certainty; or

(6) If it is not signed by the judge who issued it; or

(7) If it was not executed within the time prescribed by subsection 8 of this section.”; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

President Pro Tem Gibbons assumed the Chair.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 711**, as amended: Senators Gibbons, Vogel, Griesheimer, Kennedy and Callahan.

REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS No. 2** for **SCS** for **SBs 1021** and **870**; **HCS** for **HBs 2062** and **1518**, with **SCS**; **HCS** for **HB 2058**, with **SCS**; **HCS** for **HBs 1788** and **1882**; **HCS** for **HBs 1595** and **1668**; **HCS** for **HBs 1321** and **1695**, with **SCS**; **HB 2191**, with **SCS**; **HCS** for **HBs 1831** and **1472**; and **HCS** for **HB 1700**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 1320**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Purgason, Chairman of the Committee on Health and Mental Health, submitted the following report:

Mr. President: Your Committee on Health and Mental Health, to which was referred **HCS** for **HB 1332**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Shields, the Senate recessed until 8:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Lager.

RESOLUTIONS

Senator Green offered Senate Resolution No. 2721, regarding Nicholas Friedrich, St. Louis, which was adopted.

Senator Green offered Senate Resolution No. 2722, regarding Taylor Barnett, St. Louis, which was

adopted.

Senator Green offered Senate Resolution No. 2723, regarding Larry Jerrod, St. Louis, which was adopted.

Senator Dempsey offered Senate Resolution No. 2724, regarding Beverly Pierce, St. Peters, which was adopted.

Senator Crowell offered Senate Resolution No. 2725, regarding Brooke Borders, East Prairie, which was adopted.

Senator Shields offered Senate Resolution No. 2726, regarding Michael Gorski, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 2727, regarding Christopher Saving, which was adopted.

Senator Shields offered Senate Resolution No. 2728, regarding William S. Robbins, III, Parkville, which was adopted.

Senator Gibbons offered Senate Resolution No. 2729, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Berry DeBres, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 2730, regarding Kathryn J. “Kelly” O’Neill, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 2731, regarding Travis Ewing, Fulton, which was adopted.

Senator Gibbons offered Senate Resolution No. 2732, regarding Daniel M. Thode, Raytown, which was adopted.

Senator Gibbons offered Senate Resolution No. 2733, regarding Kathryn A. “Kate” Millington, Springfield, which was adopted.

Senator Coleman offered Senate Resolution No. 2734, regarding Nate Parker, which was adopted.

Senator Goodman offered Senate Resolution No. 2735, regarding Taylor Burks, which was adopted.

Senator Goodman offered Senate Resolution No. 2736, regarding William Lynch, which was adopted.

Senator Justus offered Senate Resolution No. 2737, regarding Good Samaritan Project, which was adopted.

Senator Goodman offered Senate Resolution No. 2738, regarding the Eightieth Birthday of Pat Hemphill, Columbia, which was adopted.

PRIVILEGED MOTIONS

Senator Stouffer moved that the Senate refuse to concur in **HCS** for **SCS** for **SBs 930** and **947**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Shields moved that the Senate refuse to concur in **HCS** for **SB 1288**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Coleman moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 720**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Engler assumed the Chair.

Senator Loudon moved that the Senate refuse to concur in **HSA 1** for **HA 1** to **SCS** for **SB 901**, and request the House to recede from its position on the amendment and take up and pass **SCS** for **SB 901**, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Rupp moved that **HCS** for **HBs 1549, 1771, 1395** and **2366**, with **SS** and **SA 10** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 10 was again taken up.

Senator Ridgeway offered **SSA 1** for **SA 10**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 10

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 26, Section 577.722, Line 28, by inserting immediately after all of said line, the following:

“3. Nothing in this section shall be construed to deny any victim of an offense under sections 566.200 to 566.215, RSMo, of rights afforded by the federal Trafficking Victims Protection Act of 2000, Public Law 106-386, as amended.”.

Senator Ridgeway moved that the above substitute amendment be adopted, which motion prevailed.

Senator Graham offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 28, Section 650.681, Line 16 of said page by adding immediately thereafter the following

“2. Municipalities and political subdivisions may collect and share the identity of persons by the same means the Federal Bureau of Investigation or its successor agency uses in its Integrated Automated Fingerprint Identification System or its successor program.”; and renumber the remaining subsections accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Bray raised the point of order that **SA 11** is out of order as it goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SA 11 was again taken up.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 5, Section 208.009, Line 1 of said page, by striking “ninety” and inserting in lieu thereof the following: **“one hundred eighty”**; and

Further amend said bill and section, Page 5, Lines 6 to 10 of said page, by striking said lines and inserting in lieu thereof the following: **“Missouri or some other state or any document accepted for application or renewal of a Missouri driver's license, nondriver's license, or instruction permit as issued by the department of revenue.”**.

Senator Days moved that the above amendment be adopted.

Senator Rupp requested a roll call vote be taken on the adoption of **SA 12** and was joined in his request by Senators Champion, Nodler, Ridgeway and Stouffer.

SA 12 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Graham	Green	Justus	Kennedy	Smith
Wilson—9							

NAYS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Dempsey	Engler
Gibbons	Goodman	Griesheimer	Koster	Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Stouffer
Vogel—25							

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Kennedy offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 29, Section 650.681, Line 14, by inserting immediately after said line, the following:

“Section 1. The state shall indemnify, defend, and hold harmless any political subdivision, public official, or employee who is sued for violation of federal civil rights statutes when attempting to comply with the provisions of this act.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Bray raised the point of order that **SS** for **HCS** for **HBs 1549, 1771, 1395 and 2366**, as amended, is out of order as it goes beyond the single subject rule.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SA 13 was again taken up.

Senator Kennedy moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Kennedy offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 5, Section 208.009, Line 21, by inserting after the word “section”, the following: “, **section 285.525, or section 285.530, RSMo,**”; and further amend line 23 by inserting after the word “section”, the following: “, **section 285.525, or section 285.530, RSMo**”.

Senator Kennedy moved that the above amendment be adopted.

At the request of Senator Kennedy, **SA 14** was withdrawn.

Senator Justus offered **SA 15**, which was read:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 30, Section C, Line 25 of said page, by inserting immediately after said line the following:

“Section D. Notwithstanding the provisions of section 1.140, RSMo, to the contrary, the provisions of this act shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of this act.”.

Senator Justus moved that the above amendment be adopted, which motion failed.

Senator Justus offered **SA 16**, which was read:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 4, Section 208.009, Line 23 of said page, by striking the following: “**the applicant's Social Security number and**”.

Senator Justus moved that the above amendment be adopted.

Senator Dempsey assumed the Chair.

At the request of Senator Justus, **SA 16** was withdrawn.

Senator Justus offered **SA 17**, which was read:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 4, Section 208.009, Line 23, by inserting after the word “number” the following: “**or any applicable federal identification number**”.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 18**, which was read:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 5, Section 208.009, Line 21, by inserting after the word “section”, the following: “, **section 285.525, RSMo, or section 285.530, RSMo,**”; and further amend line 23 by inserting after the word “section”, the following: “, **section 285.525, RSMo, or section 285.530, RSMo**”.

Senator Kennedy moved that the above amendment be adopted, which motion failed.

Senator Bray offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 5, Section 208.009, Line 24 of said page, by inserting after all of said line the following:

“8. Any agency that administers public benefits shall provide assistance in obtaining appropriate documentation to persons applying for public benefits who sign the affidavit required by subsection 4 of this section stating they are eligible for such benefits but lack the documents required under subsection 3 of this section.”.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 20**, which was read:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 6, Section 285.525, Line 20, by striking the words, “or applying for”.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 21**, which was read:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 27, Section 578.570, Line 22, by striking the words “Knowing or in reckless disregard of the truth,” and insert in lieu thereof, the following: “**Knowingly**”.

Senator Bray moved that the above amendment be adopted.

At the request of Senator Bray, **SA 21** was withdrawn.

Senator Coleman offered **SA 22**:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1549, 1771, 1395 and 2366, Page 5, Section 208.009, Line 24, by inserting after all of said line, the following:

“8. The state shall provide at least one form of the identification required to receive benefits at no cost to any otherwise qualified citizen or lawful permanent resident who does not already possess such identification and who desires the identification in order to receive benefits.”.

Senator Coleman moved that the above amendment be adopted.

Senator Rupp raised the point of order that **SA 22** is out of order as it attempts to amend previously

amended material.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SA 22 was again taken up.

Senator Coleman moved that the above amendment be adopted, which motion failed.

Senator Rupp moved that **SS** for **HCS** for **HBs 1549, 1771, 1395** and **2366**, as amended, be adopted, which motion prevailed.

Senator Rupp moved that **SS** for **HCS** for **HBs 1549, 1771, 1395** and **2366**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Gibbons referred **SS** for **HCS** for **HBs 1549, 1771, 1395** and **2366**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Callahan moved that **HB 2081**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 5 was again taken up.

At the request of Senator Barnitz, **SA 5** was withdrawn.

Senator Purgason offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2081, Page 69, Section 376.811, Line 7, by deleting “**licensed marital and family therapist**”.

Senator Purgason moved that the above amendment be adopted, which motion failed.

Senator Bartle assumed the Chair.

Senator Dempsey offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2081, Pages 70-71, Section 194.233, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Dempsey moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2081, Page 70, Section 376.811, Line 5 of said page, by inserting after all of said line the following:

“429.015. 1. Every registered architect or corporation registered to practice architecture, every registered professional engineer or corporation registered to practice professional engineering, every registered landscape architect or corporation registered to practice landscape architecture, and every registered land surveyor or corporation registered to practice land surveying, who does any landscape architectural, architectural, engineering or land surveying work upon or performs any landscape

architectural, architectural, engineering or land surveying service directly connected with the erection or repair of any building or other improvement upon land under or by virtue of any contract with the owner or lessee thereof, or such owner's or lessee's agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, RSMo, upon complying with the provisions of this chapter, shall have for such person's landscape architectural, architectural, engineering or land surveying work or service so done or performed, a lien upon the building or other improvements and upon the land belonging to the owner or lessee on which the building or improvements are situated, to the extent of [one acre] **three acres**. If the building or other improvement is upon any lot of land in any town, city or village, then the lien shall be upon such building or other improvements, and the lot or land upon which the building or other improvements are situated, to secure the payment for the landscape architectural, architectural, engineering or land surveying work or service so done or performed. For purposes of this section, a corporation engaged in the practice of architecture, engineering, landscape architecture, or land surveying, shall be deemed to be registered if the corporation itself is registered under the laws of this state to practice architecture, engineering, **landscape architecture**, or land surveying.

2. Every mechanic or other person who shall do or perform any work or labor upon or furnish any material or machinery for the digging of a well to obtain water under or by virtue of any contract with the owner or lessee thereof, or such owner's or lessee's agent, trustee, contractor or subcontractor, upon complying with the provisions of sections 429.010 to 429.340 shall have for such person's work or labor done, or materials or machinery furnished, a lien upon the land belonging to such owner or lessee on which the same are situated, to the extent of one acre, to secure the payment of such work or labor done, or materials or machinery furnished as aforesaid.

3. Every mechanic or other person who shall do or perform any work or labor upon, or furnish any material, fixtures, engine, boiler or machinery, for the purpose of demolishing or razing a building or structure under or by virtue of any contract with the owner or lessee thereof, or such owner's or lessee's agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, RSMo, upon complying with the provisions of sections 429.010 to 429.340, shall have for such person's work or labor done, or materials, fixtures, engine, boiler or machinery furnished, a lien upon the land belonging to such owner or lessee on which the same are situated, to the extent of one acre. If the building or buildings to be demolished or razed are upon any lot of land in any town, city or village, then the lien shall be upon the lot or lots or land upon which the building or other improvements are situated, to secure the payment for the labor and materials performed.

4. The provisions of sections 429.030 to 429.060 and sections 429.080 to 429.430 applicable to liens of mechanics and other persons shall apply to and govern the procedure with respect to the liens provided for in subsections 1, 2 and 3 of this section.

5. Any design professional or corporation authorized to have lien rights under subsection 1 of this section shall have a lien upon the building or other improvement and upon the land, whether or not actual construction of the planned work or improvement has commenced if:

(1) The owner or lessee thereof, or such owner's or lessee's agent or trustee, contracted for such

professional services directly with the design professional or corporation asserting the lien; and

(2) The owner or lessee is the owner or lessee of such real property either at the time the contract is made or at the time the lien is filed.

6. Priority between a design professional or corporation lien claimant and any other mechanic's lien claimant shall be determined pursuant to the provisions of section 429.260 on a pro rata basis.

7. In any civil action, the owner or lessee may assert defenses which include that the actual construction of the planned work or improvement has not been performed in compliance with the professional services contract, is impracticable or is economically infeasible.

8. The agreement is in writing.”; and

Further amend the title and enacting clause accordingly.

Senator Dempsey moved that the above amendment be adopted, which motion prevailed.

Senator Purgason offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2081, Page 8, Section 194.119, Line 1, by inserting immediately after said line the following:

“324.1230. As used in sections 324.1230 to 324.1245, the following terms shall mean:

(1) “Antepartum”, before birth;

(2) “Board”, the board of professional midwives;

(3) “Client”, a person who retains the services of a professional midwife;

(4) “Division”, the division of professional registration;

(5) “Intrapartum”, during birth;

(6) “Postpartum”, after birth;

(7) “Practice of professional midwifery”, the science and art of examination, evaluation, assessment, counseling, and treatment of women and infants by a professional midwife in the antepartum, intrapartum, and postpartum period by those methods commonly taught in any midwifery school, or midwifery program in a university or college which has been accredited by the Midwifery Education Accreditation Council, its successor entity or approved by the board; including identifying and referring women who require obstetrical or other professional care. It shall not include the use of operative surgery, nor the prescribing of drugs. The practice of professional midwifery is not the practice of medicine or osteopathy within the meaning of chapter 334, RSMo, and not subject to the provisions of the chapter. The practice of professional midwifery is not the practice of nurse-midwifery or nursing within the meaning of chapter 335, RSMo, and not subject to the provisions of the chapter;

(8) “Professional midwife”, any person who is certified by the North American Registry of Midwives (NARM) as a certified professional midwife (CPM) and provides for compensation those skills relevant to the care of women and infants in the antepartum, intrapartum, and postpartum period.

324.1231. 1. There is hereby created and established within the division of professional registration a “Board of Professional Midwives” which consists of five members appointed by the governor with the advice and consent of the senate. Each member shall be a United States citizen and a resident of this state for at least one year immediately preceding their appointment. Of these five members, one member shall be a public member, four members shall be licensed professional midwives who attend births in homes or other out-of-hospital settings, provided that the first midwife members appointed need not be licensed at the time of appointment if they are actively working toward licensure under the provisions of sections 324.1230 to 324.1245.

2. The initial appointments to the board shall be one member for a term of one year, one member for a term of two years, one member for a term of three years, one member for a term of four years, and one member for a term of five years. After the initial terms, each member shall serve a five-year term. No member of the board shall serve more than two consecutive five-year terms. All successor members shall be appointed for five-year terms. All members shall serve until their successors have been appointed and qualified. Vacancies occurring in the membership of the board for any reason shall be filled by appointment by the governor for the unexpired term.

3. The public member shall not be, nor have previously been, a member of any profession regulated by chapter 334 or 335, RSMo, or under sections 324.1230 to 324.1245, or the spouse or immediate family member of such person. The public member is subject to the provisions of section 620.132, RSMo.

4. The board may sue and be sued in its own name and its members need not be named parties. Members of the board shall not be personally liable, either jointly or severally, for any act or acts committed in the performance of their official duties as board members. No board member shall be personally liable for any court costs which accrue in any action by or against the board.

5. Notwithstanding any other provision of law to the contrary, any appointed member of the board shall receive as compensation an amount established by the director of the division not to exceed seventy dollars per day for board business plus actual and necessary expenses.

6. The division shall employ administrative and clerical personnel necessary to enforce the provisions of sections 324.1230 to 324.1245.

7. The board shall hold an annual meeting at which time it shall elect from its membership a chairperson and a vice chairperson. The board may hold such additional meetings as may be required in the performance of its duties. A quorum of the board shall consist of a majority of its members.

8. Pursuant to section 620.106, RSMo, no new licensing activity or other statutory requirements shall become effective until expenditures or personnel are specifically appropriated for the purpose of conducting the business as required to administer the provisions of sections 324.1230 to 324.1245 and the initial rules filed have become effective.

324.1233. 1. Applications for licensure as a professional midwife shall be in writing, submitted to the board on forms prescribed by the board, and furnished to the applicant. Each application shall contain a statement that it is made under oath or affirmation that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the board.

2. Each applicant for licensure shall:

- (1) Present evidence of current certification by the North American Registry of Midwives as a certified professional midwife;**
- (2) Present evidence of current certification in basic life support for healthcare providers, and either infant cardiopulmonary resuscitation or neonatal resuscitation; and**
- (3) Comply with the written disclosure requirement under subsection 1 of section 324.1239.**

3. The division shall mail a renewal notice to the last known address of each licensee prior to the renewal date. Failure to provide the board with the information required for renewal, or to pay the renewal fee after such notice, shall result in the license expiring. The license shall be reinstated if, within two years of the renewal date, the applicant submits the required documentation and pays the applicable fees as approved by the board.

4. Each license issued pursuant to the provisions of this section shall expire three years after the date of its issuance. Each applicant for renewal shall submit:

- (1) Evidence of attendance at a minimum of ten hours per year of continuing education in midwifery or related fields;**
- (2) Evidence of attendance at a minimum of three hours per year of peer review;**
- (3) Evidence of current certification in basic life support for healthcare providers, and either infant cardiopulmonary resuscitation or neonatal resuscitation; and**
- (4) The renewal fee set by the board.**

5. The board may refuse to issue or renew any certificate of registration or authority, permit, or license required pursuant to this chapter for one or any combination of causes stated in subsection 6 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo. As an alternative to a refusal to issue or renew any certificate, registration, or authority, the board may, at its discretion, issue a license which is subject to probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 6 of this section. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefore, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

6. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit, or license required by this chapter, or any person who has failed to renew or has surrendered the person's certificate or registration or authority, permit, or license for any one or any combination of the following causes:

- (1) Engaging in conduct detrimental to the health or safety of either the mother or infant, or both, as determined by the board;**
- (2) Having an unpaid judgment resulting from providing professional midwifery services;**
- (3) Procuring or attempting to procure a license under sections 324.1230 to 324.1245 by making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for licensure, or through any form of fraud or misrepresentation;**
- (4) Failing to meet the minimum qualifications for licensure or renewal established under sections 324.1230 to 324.1245;**
- (5) Paying money or other valuable consideration, other than as provided for under sections 324.1230 to 324.1245, to any member or employee of the board to procure a license under sections 324.1230 to 324.1245;**
- (6) Incompetency, misconduct, negligence, dishonesty, fraud, or misrepresentation in the performance of the functions or duties of professional midwives as prescribed under sections 324.1230 to 324.1245;**
- (7) Violating, assisting, or enabling any person to willfully disregard any of the provisions of sections 324.1230 to 324.1245, or the rules of the board for the administration and enforcement of the provisions of sections 324.1230 to 324.1245;**
- (8) Violating any term or condition of a license issued by the board under the authority of sections 324.1230 to 324.1245;**
- (9) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;**
- (10) Assisting or enabling a person to practice or offer to practice any profession licensed or regulated by sections 324.1230 to 324.1245 who is not licensed and currently eligible to practice under sections 324.1230 to 324.1245; or**
- (11) Using any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.**

7. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds provided in subsection 6 of this section for disciplinary action are met, the board may, singly or in combination, warn, censure, or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate, or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or restrict or limit the person's license, certificate, or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling, or treatment of physicians designated by the board at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may direct.

8. The division may promulgate rules as necessary in accordance with the provisions of chapter

536, RSMo, to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

324.1235. 1. The board shall promulgate rules as necessary in accordance with the provisions of chapter 536, RSMo, to establish:

(1) An application process and administrative procedures for processing applications and issuing professional midwife licenses and for conducting disciplinary proceedings under the provisions of sections 324.1230 to 324.1245;

(2) Practice guidelines consistent with standards regarding the practice of midwifery established by the North American Registry of Midwives and the National Association of Certified Professional Midwives, or a successor organization whose essential documents include without limitation subject matter concerning scope of practice, standards of practice, informed consent, appropriate consultation, collaboration or referral, including the development of collaborative relationships with other healthcare practitioners who can provide care outside the scope of midwifery practice when necessary; and

(3) Reasonable rules as deemed necessary by the board to carry out and enforce the provisions of sections 324.1230 to 324.1245.

2. The board shall:

(1) Investigate to verify such applicant's qualifications. If the results of the investigation are satisfactory to the board and the applicant is otherwise qualified, the board shall issue to the applicant a license authorizing the applicant to act as a professional midwife in Missouri;

(2) Set the amount of fees authorized by sections 324.1230 to 324.1245 and required by rules promulgated under section 536.021, RSMo. The fees shall be set at a level to produce revenue that does not substantially exceed the cost and expense of administering sections 324.1230 to 324.1245;

(3) Perform such other functions and duties as necessary to carry out the provisions of sections 324.1230 to 324.1245;

(4) Provide a form for use in the event of transfer to emergency care detailing for the mother:

(a) Name, age, and birth date;

(b) Parity;

(c) Estimated delivery date;

(d) Results of routine blood tests;

(e) Results of any lab tests;

(f) Reason for transfer of care; and

(g) Vital signs;

(5) Provide a form for use in the event of transfer to emergency care detailing for the baby:

(a) Name of the mother and the baby;

(b) Sex of the baby;

(c) Estimated gestational age;

(d) Vital signs;

(e) APGAR scores; and

(f) Reason for transfer of care.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

324.1237. There is hereby established in the treasury a fund to be known as the "Board of Professional Midwives Fund" which shall consist of all gifts, donations, transfers, and moneys appropriated by the general assembly. All funds received by the board pursuant to the provisions of sections 324.1230 to 324.1245 shall be collected by the director of the department who shall transmit the funds to the department of revenue for deposit in the state treasury to the credit of the board of professional midwives fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys in the fund shall not be transferred and placed to the credit of the general revenue fund until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the fund for the preceding fiscal year.

324.1239. 1. Every licensed professional midwife shall present a written disclosure statement to each client, which shall be signed by the client and kept with the client's records, and which shall include but not be limited to, the following:

(1) A description of professional midwifery education and related training;

(2) Licensure as a professional midwife, including the effective dates of the licensure;

(3) The benefits and risks associated with childbirth in the setting selected by the client;

(4) A statement concerning the licensed professional midwife's collaborative arrangements with other healthcare professionals, including licensed physicians;

(5) A statement concerning the licensed professional midwife's malpractice or liability insurance coverage; and

(6) A written plan, specific to the client, for obtaining medical care, when necessary, which shall include:

(a) The name and phone number of the hospital or other healthcare facility to which transfer is preferred should emergency care become necessary; and

(b) The plan, protocol, or standing order for fulfilling maternal screening tests and laboratory work required by state statute.

2. Licensed professional midwives shall carry medical malpractice insurance under the same conditions described for physicians in section 383.500, RSMo.

3. Licensed professional midwives may be reimbursed for professional midwifery services under the MO HealthNet program.

324.1240. 1. Nothing in sections 324.1230 to 324.1245 shall be construed to apply to a person who provides information and support in preparation for labor and delivery and assists in the delivery of an infant if that person does not do the following:

- (1) Advertise as a midwife or as a provider of midwife services;
- (2) Accept compensation for midwife services; and
- (3) Use any words, letters, signs, or figures to indicate that the person is a midwife.

2. Nothing in sections 324.1230 to 324.1245 shall be construed to prohibit the attendance at birth of the mother's choice of family, friends, or other uncompensated labor support attendants.

324.1241. 1. Any hospital, physician, nurse, emergency services personnel, or any other licensed health care professional who renders emergency care, treatment, or assistance to any person or persons, when the need of such care, treatment, or assistance arises from care provided by a licensed professional midwife, shall not be held liable for any civil damages except for acts of negligence or those occasioned by willful and wanton acts by such person in rendering such emergency care, treatment, or assistance.

2. A licensed health care provider or facility shall not be disciplined for assisting, enabling, aiding, procuring, advising, or encouraging any person licensed to practice professional midwifery who is practicing within the confines of sections 324.1230 to 324.1245.

324.1242. 1. When a birth or stillbirth occurs without a physician in attendance at or immediately after the birth or stillbirth, but with a licensed professional midwife in attendance at or immediately after the birth, it shall be the responsibility of the licensed professional midwife to prepare and file the certificate of birth as required by section 193.085, RSMo, and the reports required under section 193.165, RSMo, and section 210.050, RSMo.

2. Licensed professional midwives shall follow the newborn screening requirements for health care providers with respect to infants born in this state as described under subsections 1, 2, and 5 of section 191.331, RSMo.

3. Licensed professional midwives shall be required to retain patient records for a period of six years and keep such records confidential consistent with the provisions of the federal Health Insurance Portability and Accountability Act, as amended.

324.1243. No licensed professional midwife shall be permitted to:

- (1) Prescribe drugs;
- (2) Perform medical inductions or cesarean sections during the delivery of an infant;
- (3) Use forceps during the delivery of an infant;

(4) Perform vacuum delivery of an infant;

(5) Perform an abortion as defined in chapter 188, RSMo; or

(6) Administer prescription drugs, with exceptions limited to:

(a) Neonatal use of prophylactic ophthalmic medications as required in section 210.070, RSMo, vitamin K, and oxygen; and

(b) Maternal use of Rho (D) immune globulin, oxygen, local anesthetic, and oxytocin and methylergonovine maleate as postpartum antihemorrhagics.

324.1244. 1. Notwithstanding any other provision of law, a licensed professional midwife providing a service of professional midwifery shall not be deemed to be engaged in the practice of medicine, nursing, nurse-midwifery, or any other medical or healing practice.

2. The provisions of sections 324.1230 to 324.1245 shall be remedial and curative in nature.

324.1245. Any person who violates the provisions of sections 324.1230 to 324.1245, or any rule or order promulgated under authority granted by sections 324.1230 to 324.1245 is guilty of a class A misdemeanor.”; and

Further amend said bill, page 9, section 333.011, line 6, by inserting immediately after said line the following:

“334.010. 1. It shall be unlawful for any person not now a registered physician within the meaning of the law to practice medicine or surgery in any of its departments, to engage in the practice of medicine across state lines or to profess to cure and attempt to treat the sick and others afflicted with bodily or mental infirmities, [or engage in the practice of midwifery] in this state, except as herein provided. **The practice of professional midwifery is not the practice of medicine or osteopathy within the meaning of chapter 334, RSMo, and not subject to the provisions of the chapter.**

2. For the purposes of this chapter, the “practice of medicine across state lines” shall mean:

(1) The rendering of a written or otherwise documented medical opinion concerning the diagnosis or treatment of a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent; or

(2) The rendering of treatment to a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent.

3. A physician located outside of this state shall not be required to obtain a license when:

(1) In consultation with a physician licensed to practice medicine in this state; and

(2) The physician licensed in this state retains ultimate authority and responsibility for the diagnosis or diagnoses and treatment in the care of the patient located within this state; or

(3) Evaluating a patient or rendering an oral, written or otherwise documented medical opinion, or when providing testimony or records for the purpose of any civil or criminal action before any judicial or administrative proceeding of this state or other forum in this state; or

(4) Participating in a utilization review pursuant to section 376.1350, RSMo.

334.120. 1. There is hereby created and established a board to be known as “The State Board of Registration for the Healing Arts” for the purpose of registering, licensing and supervising all physicians and surgeons[, and midwives] in this state. **The purpose of the board shall not include registering, licensing, or supervising of professional midwives.** The board shall consist of nine members, including one voting public member, to be appointed by the governor by and with the advice and consent of the senate, at least five of whom shall be graduates of professional schools accredited by the Liaison Committee on Medical Education or recognized by the Educational Commission for Foreign Medical Graduates, and at least two of whom shall be graduates of professional schools approved and accredited as reputable by the American Osteopathic Association, and all of whom, except the public member, shall be duly licensed and registered as physicians and surgeons pursuant to the laws of this state. Each member must be a citizen of the United States and must have been a resident of this state for a period of at least one year next preceding his or her appointment and shall have been actively engaged in the lawful and ethical practice of the profession of physician and surgeon for at least five years next preceding his or her appointment. Not more than four members shall be affiliated with the same political party. All members shall be appointed for a term of four years. Each member of the board shall receive as compensation an amount set by the board not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be entitled to reimbursement of his or her expenses necessarily incurred in the discharge of his or her official duties. The president of the Missouri State Medical Association, for all medical physician appointments, or the president of the Missouri Association of Osteopathic Physicians and Surgeons, for all osteopathic physician appointments, in office at the time shall, at least ninety days prior to the expiration of the term of the respective board member, other than the public member, or as soon as feasible after the appropriate vacancy on the board otherwise occurs, submit to the director of the division of professional registration a list of five physicians and surgeons qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri State Medical Association or the Missouri Association of Osteopathic Physicians and Surgeons, as appropriate, shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

2. The public member shall be at the time of his or her appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.”; and

Further amend said bill, page 70, section 376.811, line 5, by inserting immediately after said line the following:

“376.1753. [Notwithstanding any law to the contrary, any person who holds current ministerial or tocological certification by an organization accredited by the National Organization for Competency Assurance (NOCA) may provide services as defined in 42 U.S.C. 1396 r-6(b)(4)(E)(ii)(I).] **Licensed professional midwives under sections 324.1230 to 324.1245, RSMo, may be compensated for**

professional midwife services by a health benefit plan or insurer under this chapter.”; and

Further amend said bill, page 71, section 194.233, line 8, by inserting immediately after said line the following:

“[334.260. On August 29, 1959, all persons licensed under the provisions of chapter 334, RSMo 1949, as midwives shall be deemed to be licensed as midwives under this chapter and subject to all the provisions of this chapter.]”; and

“Section B. Because of the need to provide clarity on the issue of the practice of midwifery, the enactment of sections 324.1230, 324.1231, 324.1233, 324.1235, 324.1237, 324.1239, 324.1240, 324.1241, 324.1242, 324.1243, 324.1244, and 324. 1245, and the repeal and reenactment of sections 334.010, 334.120, 334.260, and 376.1753 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and enactment of sections 324.1230, 324.1231, 324.1233, 324.1235, 324.1237, 324.1239, 324.1240, 324.1241, 324.1242, 324.1243, 324.1244, and 324. 1245, and the repeal and reenactment of sections 334.010, 334.120, 334.260, and 376.1753 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted.

Senator Rupp assumed the Chair.

At the request of Senator Callahan, **HB 2081**, with **SCS**, **SS** for **SCS** and **SA 9** (pending), was placed on the Informal Calendar.

At the request of Senator Mayer, **HCS** for **HBs 1595** and **1668** was placed on the Informal Calendar.

At the request of Senator Coleman, **HB 2191**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Gibbons, **HCS** for **HBs 1321** and **1695**, with **SCS**, was placed on the Informal Calendar.

HB 1832, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 2058**, with **SCS**, entitled:

An Act to repeal sections 32.105, 67.1501, 67.1545, 135.967, 137.115, 137.1018, 447.708, 620.495, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof fourteen new sections relating to tax incentives for business development, with an emergency clause for a certain section.

Was taken up by Senator Kennedy.

SCS for **HCS** for **HB 2058**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2058

An Act to repeal sections 32.105, 67.1501, 67.1545, 99.820, 135.155, 135.535, 135.562, 135.815, 135.967, 137.115, 137.1018, 144.030, 348.434, 348.436, 353.150, 407.1240, 407.1249, 447.708, 620.495, 620.1039, 620.1220, 620.1878, and 620.1881, RSMo, section 99.825 as enacted by senate committee substitute for house committee substitute for house bill no. 741, ninety-fourth general assembly, first regular

session, and section 99.825 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, and to enact in lieu thereof thirty-one new sections relating to tax incentives for business development, with an emergency clause for a certain section.

Was taken up.

Senator Kennedy moved that **SCS** for **HCS** for **HB 2058** be adopted.

Senator Kennedy offered **SS** for **SCS** for **HCS** for **HB 2058**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2058

An Act to repeal sections 32.105, 67.1501, 67.1545, 99.820, 135.535, 135.562, 135.815, 135.967, 137.115, 348.436, 353.150, 447.708, 620.1878, and 620.1881, RSMo, section 99.825 as enacted by senate committee substitute for house committee substitute for house bill no. 741, ninety-fourth general assembly, first regular session, and section 99.825 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, and to enact in lieu thereof eighteen new sections relating to tax incentives for business development.

Senator Kennedy moved that **SS** for **SCS** for **HCS** for **HB 2058** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2058, Page 11, Section 67.1545, Line 18, by inserting after all of said line the following:

“96.160. 1. Each facility established or operated and maintained under the provisions of sections 96.150 to 96.228 shall be governed by a board of trustees who shall serve without compensation. Each such board of trustees shall consist of five trustees, who shall be citizens of the city, unless the council shall provide by ordinance for a larger board of not more than fifteen trustees. Trustees shall be appointed by the mayor with the approval of the council and shall be chosen with reference to their fitness for such position; provided no member of the city council and no member of the immediate family of a member of the city council shall be a member of the board.

2. An ordinance providing for a larger board of trustees [shall require that three-fifths of such trustees shall be citizens of the city and] may provide that **some or all of** the [remaining] trustees need not be citizens of the city, but shall be citizens of the state of Missouri.

3. Any city establishing or maintaining and operating more than one health care facility may provide by ordinance that one board of trustees shall manage and operate two or more health care facilities.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

Senator Dempsey raised the point of order that **SA 1** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Stouffer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2058, Page 54, Section 353.150, Line 3, by inserting after all of said line the following:

“414.255. 1. This section shall be known and may be cited as the “Missouri Renewable Fuel Standard Act”.

2. For purposes of this section, the following terms shall mean:

(1) “Aviation fuel”, any motor fuel specifically compounded for use in reciprocating aircraft engines;

(2) **“Biodiesel”, fuel as defined in ASTM Standard D-6751 or its subsequent standard specifications for biodiesel fuel (B100) blend stock for distillate fuels;**

(3) “Distributor”, a person who either produces, refines, blends, compounds or manufactures motor fuel, imports motor fuel into a state or exports motor fuel out of a state, or who is engaged in distribution of motor fuel;

[(3)] (4) “Fuel ethanol-blended gasoline”, a mixture of ninety percent gasoline and ten percent fuel ethanol in which the fuel ethanol meets ASTM International Specification D4806, as amended. The ten percent fuel ethanol portion may be derived from any agricultural source;

[(4)] (5) “Position holder”, the person who holds the inventory position in motor fuel in a terminal, as reflected on the records of the terminal operator. A person holds the inventory position in motor fuel when that person has a contract with the terminal operator for the use of storage facilities and terminating services for motor fuel at the terminal. The term includes a terminal operator who owns motor fuel in the terminal;

[(5)] (6) “Premium gasoline”, gasoline with an antiknock index number of ninety-one or greater;

[(6)] (7) “Price”, the cost of the fuel ethanol plus fuel taxes and transportation expenses less tax credits, if any; or the cost of the fuel ethanol-blended gasoline plus fuel taxes and transportation expenses less tax credits, if any; or the cost of the unblended gasoline plus fuel taxes and transportation expenses less tax credits, if any;

[(7)] (8) “Qualified terminal”, a terminal that has been assigned a terminal control number (tcn) by the Internal Revenue Service;

[(8)] (9) “Supplier”, a person that is:

(a) Registered or required to be registered pursuant to 26 U.S.C., Section 4101, for transactions in motor fuels in the bulk transfer/terminal distribution system; and

(b) One or more of the following:

a. The position holder in a terminal or refinery in this state;

b. Imports motor fuel into this state from a foreign country;

c. Acquires motor fuel from a terminal or refinery in this state from a position holder pursuant to either a two-party exchange or a qualified buy-sell arrangement which is treated as an exchange and appears on the records of the terminal operator; or

d. The position holder in a terminal or refinery outside this state with respect to motor fuel which that person imports into this state. A terminal operator shall not be considered a supplier based solely on the fact that the terminal operator handles motor fuel consigned to it within a terminal. “Supplier” also means a person that produces fuel grade alcohol or alcohol-derivative substances in this state, produces fuel grade alcohol or alcohol-derivative substances for import to this state into a terminal, or acquires upon import by truck, rail car or barge into a terminal, fuel grade alcohol or alcohol-derivative substances. “Supplier” includes a permissive supplier unless specifically provided otherwise;

[(9)] (10) “Terminal”, a bulk storage and distribution facility which includes:

(a) For the purposes of motor fuel, is a qualified terminal;

(b) For the purposes of fuel grade alcohol, is supplied by truck, rail car, boat, barge or pipeline and the products are removed at a rack; and

[(10)] (11) “Unblended gasoline”, gasoline that has not been blended with fuel ethanol.

3. Except as otherwise provided under subsections 4 and 5 of this section, on and after January 1, 2008, all gasoline sold or offered for sale in Missouri at retail shall be fuel ethanol-blended gasoline.

4. If a distributor is unable to obtain fuel ethanol or fuel ethanol-blended gasoline from a position holder or supplier at the terminal at the same or lower price as unblended gasoline, then the purchase of unblended gasoline by the distributor and the sale of the unblended gasoline at retail shall not be deemed a violation of this section. The position holder, supplier, distributor, and ultimate vendor shall, upon request, provide the required documentation regarding the sales transaction and price of fuel ethanol, fuel ethanol-blended gasoline, and unblended gasoline to the department of agriculture and the department of revenue. All information obtained by the departments from such sources shall be confidential and not disclosed except by court order or as otherwise provided by law.

5. The following shall be exempt from the provisions of this section:

(1) Aviation fuel and automotive gasoline used in aircraft;

(2) Premium gasoline;

(3) E75-E85 fuel ethanol;

(4) Any specific exemptions declared by the United States Environmental Protection Agency; and

(5) Bulk transfers between terminals.

The director of the department of agriculture may by rule exempt or rescind additional gasoline uses from the requirements of this section. The governor may by executive order waive the requirements of this section or any part thereof in part or in whole for all or any portion of this state for reasons related to air quality. Any regional waiver shall be issued and implemented in such a way as to minimize putting any region of the state at a competitive advantage or disadvantage with any other region of the state.

6. The provisions of section 414.152 shall apply for purposes of enforcement of this section.

7. The department of agriculture is hereby authorized to promulgate rules to ensure implementation of, and compliance and consistency with, this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,

section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

8. All terminals in Missouri that sell gasoline shall offer for sale, in cooperation with position holders and suppliers, fuel ethanol-blended gasoline, fuel ethanol, and unblended gasoline. Terminals that only offer for sale federal reformulated gasolines, in cooperation with position holders and suppliers, shall not be required to offer for sale unblended gasoline.

9. Notwithstanding any other law to the contrary, all fuel retailers, wholesalers, distributors, and marketers shall be allowed to purchase fuel ethanol **or biodiesel** from any terminal, position holder, fuel ethanol **or biodiesel** producer, fuel ethanol **or biodiesel** wholesaler, or supplier. In the event a court of competent jurisdiction finds that this subsection does not apply to or improperly impairs existing contractual relationships, then this subsection shall only apply to and impact future contractual relationships.”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted.

Senator Dempsey raised the point of order that **SA 2** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Shoemyer offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2058, Page 52, Section 144.030, Line 4 of said page, by striking the word “and” at the end of said line; and further amend line 9 of said page, by inserting after “accessories” the following: “;

(41) Sales of radios designed for the primary purpose of receiving transmissions of weather forecasts and warnings provided by the National Oceanic and Atmospheric Administration.”.

Senator Shoemyer moved that the above amendment be adopted.

At the request of Senator Shoemyer, **SA 3** was withdrawn.

Senator Griesheimer offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2058, Page 11, Section 67.1545, Line 18, by inserting immediately after all of said line the following:

“72.080. 1. [Notwithstanding any provision of law to the contrary, and as an alternative to, and not in lieu of, the procedure established in section 80.020, RSMo,] Any unincorporated city, town, [village,] or other area of the state may, except as otherwise provided in sections 72.400 to 72.420, become a city[, town, or village] of the class to which its population would entitle it pursuant to this chapter, and be incorporated pursuant to the law for the government of cities[, towns, or villages] of that class, in the following manner:

[(1)] Whenever a number of voters equal to fifteen percent of the [registered voters] **votes cast in the**

last gubernatorial election in the area proposed to be incorporated shall present a petition to the governing body of the county in which such city, town, [village,] or area is situated, such petition shall describe, by metes and bounds, the area to be incorporated and be accompanied by a plat thereof, shall state the approximate population and the assessed valuation of all real and personal property in the area and shall state facts showing that the proposed city[, town, or village, if such village has at least one hundred inhabitants residing in it,] shall have the ability to furnish normal municipal services within a reasonable time after its incorporation is to become effective and praying that the question be submitted to determine if it may be incorporated[;

(2) The governing body shall submit the question to the voters if it is satisfied the number of voters signing such petition is equal to fifteen percent of the registered voters in the area proposed to be incorporated.

As used in this section, “village” means any small group or assemblage of houses in an unincorporated area, being generally less than in a town or city, or any small group or assemblages of houses or buildings built for dwelling or for business, or both, in an unincorporated area, regardless of whether they are situated upon regularly laid out streets or alleys dedicated to public use, having no minimum number of registered voters in the area, and without regard to the existence of churches, parks, schools, or commercial establishments in that area or whether the proposed village is devoted to community purposes]. **If the governing body shall be satisfied that a number of voters equal to fifteen percent of the votes cast in the last gubernatorial election in the area proposed to be incorporated have signed such petition, the governing body shall submit the question to the voters.**

2. The [governing body] **county** may make changes in the petition to correct technical errors or to redefine the metes and bounds of the area to be incorporated to reflect other boundary changes occurring within six months prior to the time of filing the petition. Petitions submitted by proposing agents may be submitted with exclusions for the signatures collected in areas originally included in the proposal but subsequently annexed or incorporated separately as a city, town or village, although the governing body shall be satisfied as to the sufficiency of the signatures for the final proposed area. If a majority of the voters voting on the question vote for incorporation, the governing body shall declare such city, town, [village,] or other area incorporated, designating in such order the metes and bounds thereof, and thenceforth the inhabitants within such bounds shall be a body politic and incorporate, by the name and style of “the city of”, **or** “the town of”, [“the village of”.] **and** the first officers of such city[, or town[, or village] shall be designated by the order of the governing body, who shall hold their offices until the next municipal election and until their successors shall be duly elected and qualified. [The city, town, or village shall have perpetual succession, unless disincorporated; may sue and be sued; may plead and be impleaded; may defend and be defended in all courts and in all actions, pleas, and matters whatsoever; may grant, purchase, hold, and receive property, real and personal, within such place and no other, burial grounds and cemeteries excepted; and may lease, sell, and dispose of such property for the benefit of the city, town, or village; and may have a common seal, and alter such seal at pleasure.] The county shall pay the costs of the election.

3. In any county with a charter form of government where fifty or more cities, towns and villages have been incorporated, an unincorporated city, town or other area of the state shall not be incorporated except as provided in sections 72.400 to 72.420.

4. Any unincorporated area with a private eighteen-hole golf course community and with at least a one

hundred acre lake located within any county of the first classification with more than eighty-two thousand but less than eighty-two thousand one hundred inhabitants may incorporate as a city of the class to which its population would entitle it pursuant to this chapter notwithstanding any proposed annexation of the unincorporated area by any city of the third or fourth classification or any home rule city with more than four hundred thousand inhabitants and located in more than one county. If any city of the third or fourth classification or any home rule city with more than four hundred thousand inhabitants and located in more than one county proposes annexation by ordinance or resolution of any unincorporated area as defined in this subsection, no such annexation shall become effective until and only after a majority of the qualified voters in the unincorporated area proposed to be incorporated fail to approve or oppose the proposed incorporation by a majority vote in the election described in subsection 2 of this section.

5. Prior to the election described in subsection 2 of this section, if the owner or owners of either the majority of the commercial or the majority of the agricultural classification of real property in the proposed area to be incorporated object to such incorporation, such owner or owners may file an action in the circuit court of the county in which such unincorporated area is situated, pursuant to chapter 527, RSMo, praying for a declaratory judgment requesting that such incorporation be declared unreasonable by the court. As used in this subsection, a “majority of the commercial or agricultural classification” means a majority as determined by the assessed valuation of the tracts of real property in either classification to be determined by the assessments made according to chapter 137, RSMo. The petition in such action shall state facts showing that such incorporation including the real property owned by the petitioners is not reasonable based on the same criteria as specified in subsection 3 of section 72.403 and is not necessary to the proper development of the city or town. If the circuit court finds that such inclusion is not reasonable and necessary, it may enjoin the incorporation or require the petition requesting the incorporation to be resubmitted excluding all or part of the property of the petitioners from the proposed incorporation.

6. Any village incorporated under this section in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants after August 28, 2007, and before the effective date of this section, shall be subject to and shall comply with all county building codes.”; and

Further amend said bill, page 90, section 620.1881, line 2 by inserting immediately after all of said line the following:

“Section B. Because of the need to protect Missouri citizens' right to choose their form of government, section 72.080 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 72.080 of this act shall be in full force and effect upon its passage and approval.

Section C. If any provision of section 72.080 or the application thereof to anyone or to any circumstances is held invalid, the remainder of section 72.080 and the application of such provisions to others or other circumstances shall not be affected thereby.”; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted.

Senator Callahan raised the point of order that **SA 4** is out of order as it goes beyond the title and subject matter of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Lager offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2058, Pages 26-31, Section 135.535, by striking all of said section from the bill; and

Further amend said Bill, Pages 31-33, Section 135.562, by striking all of said section from the Bill; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Lager offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2058, Page 2, Section A, Line 4, by inserting immediately after said line the following:

“32.057. 1. Except as otherwise specifically provided by law, it shall be unlawful for the director of revenue, any officer, employee, agent or deputy or former director, officer, employee, agent or deputy of the department of revenue, any person engaged or retained by the department of revenue on an independent contract basis, any person to whom authorized or unauthorized disclosure is made by the department of revenue, or any person who lawfully or unlawfully inspects any report or return filed with the department of revenue or to whom a copy, an abstract or a portion of any report or return is furnished by the department of revenue to make known in any manner, to permit the inspection or use of or to divulge to anyone any information relative to any such report or return, any information obtained by an investigation conducted by the department in the discharge of official duty, or any information received by the director in cooperation with the United States or other states in the enforcement of the revenue laws of this state. Such confidential information is limited to information received by the department in connection with the administration of the tax laws of this state.

2. Nothing in this section shall be construed to prohibit:

(1) The disclosure of information, returns, reports, or facts shown thereby, as described in subsection 1 of this section, by any officer, clerk or other employee of the department of revenue charged with the custody of such information:

(a) To a taxpayer or the taxpayer's duly authorized representative under regulations which the director of revenue may prescribe;

(b) In any action or proceeding, civil, criminal or mixed, brought to enforce the revenue laws of this state;

(c) To the state auditor or the auditor's duly authorized employees as required by subsection 4 of this section;

(d) To any city officer designated by ordinance of a city within this state to collect a city earnings tax, upon written request of such officer, which request states that the request is made for the purpose of determining or enforcing compliance with such city earnings tax ordinance and provided that such information disclosed shall be limited to that sufficient to identify the taxpayer, and further provided that

in no event shall any information be disclosed that will result in the department of revenue being denied such information by the United States or any other state. The city officer requesting the identity of taxpayers filing state returns but not paying city earnings tax shall furnish to the director of revenue a list of taxpayers paying such earnings tax, and the director shall compare the list submitted with the director's records and return to such city official the name and address of any taxpayer who is a resident of such city who has filed a state tax return but who does not appear on the list furnished by such city. The director of revenue may set a fee to reimburse the department for the costs reasonably incurred in providing this information;

(e) To any employee of any county or other political subdivision imposing a sales tax which is administered by the state department of revenue whose office is authorized by the governing body of the county or other political subdivision to receive any and all records of the state director of revenue pertaining to the administration, collection and enforcement of its sales tax. The request for sales tax records and reports shall include a description of the type of report requested, the media form including electronic transfer, computer tape or disk, or printed form, and the frequency desired. The request shall be made by annual written application and shall be filed with the director of revenue. The director of revenue may set a fee to reimburse the department for the costs reasonably incurred in providing this information. Such city or county or any employee thereof shall be subject to the same standards for confidentiality as required for the department of revenue in using the information contained in the reports;

(f) To the director of the department of economic development or the director's duly authorized employees in discharging the director's official duties to certify taxpayers eligibility to claim state tax credits as prescribed by statutes;

(g) To any employee of any political subdivision, such records of the director of revenue pertaining to the administration, collection and enforcement of the tax imposed in chapter 149, RSMo, as are necessary for ensuring compliance with any cigarette or tobacco tax imposed by such political subdivision. The request for such records shall be made in writing to the director of revenue, and shall include a description of the type of information requested and the desired frequency. The director of revenue may charge a fee to reimburse the department for costs reasonably incurred in providing such information;

(2) The publication by the director of revenue or of the state auditor in the audit reports relating to the department of revenue of:

(a) Statistics, statements or explanations so classified as to prevent the identification of any taxpayer or of any particular reports or returns and the items thereof;

(b) The names and addresses without any additional information of persons who filed returns and of persons whose tax refund checks have been returned undelivered by the United States Post Office;

(3) The director of revenue from permitting the Secretary of the Treasury of the United States or the Secretary's delegates, the proper officer of any state of the United States imposing a tax equivalent to any of the taxes administered by the department of revenue of the state of Missouri or the appropriate representative of the multistate tax commission to inspect any return or report required by the respective tax provision of this state, or may furnish to such officer an abstract of the return or report or supply the officer with information contained in the return or disclosed by the report of any authorized investigation. Such permission, however, shall be granted on condition that the corresponding revenue statute of the United States or of such other state, as the case may be, grants substantially similar privileges to the director of revenue and on further condition that such corresponding statute gives confidential status to the material with which it is concerned;

(4) The disclosure of information, returns, reports, or facts shown thereby, by any person on behalf of the director of revenue, in any action or proceeding to which the director is a party or on behalf of any party to any action or proceeding pursuant to the revenue laws of this state when such information is directly involved in the action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of such information as is pertinent to the action or proceeding and no more;

(5) The disclosure of information, returns, reports, or facts shown thereby, by any person to a state or federal prosecuting official, including, but not limited to, the state and federal attorneys general, or the official's designees involved in any criminal, quasi-criminal, or civil investigation, action or proceeding pursuant to the laws of this state or of the United States when such information is pertinent to an investigation, action or proceeding involving the administration of the revenue laws or duties of public office or employment connected therewith;

(6) Any school district from obtaining the aggregate amount of the financial institution tax paid pursuant to chapter 148, RSMo, by financial institutions located partially or exclusively within the school district's boundaries, provided that the school district request such disclosure in writing to the department of revenue;

(7) The disclosure of records which identify all companies licensed by this state pursuant to the provisions of subsections 1 and 2 of section 149.035, RSMo. The director of revenue may charge a fee to reimburse the department for the costs reasonably incurred in providing such records;

(8) The disclosure to the commissioner of administration pursuant to section 34.040, RSMo, of a list of vendors and their affiliates who meet the conditions of section 144.635, RSMo, but refuse to collect the use tax levied pursuant to chapter 144, RSMo, on their sales delivered to this state;

(9) The disclosure to the public of any information, or facts shown thereby regarding the claiming of a state tax credit by a member of the Missouri general assembly or any state-wide elected public official.

3. Any person violating any provision of subsection 1 or 2 of this section shall, upon conviction, be guilty of a class D felony.

4. The state auditor or the auditor's duly authorized employees who have taken the oath of confidentiality required by section 29.070, RSMo, shall have the right to inspect any report or return filed with the department of revenue if such inspection is related to and for the purpose of auditing the department of revenue; except that, the state auditor or the auditor's duly authorized employees shall have no greater right of access to, use and publication of information, audit and related activities with respect to income tax information obtained by the department of revenue pursuant to chapter 143, RSMo, or federal statute than specifically exists pursuant to the laws of the United States and of the income tax laws of the state of Missouri.

Further amend said bill, page 26, section 99.825, line 27, by inserting immediately after said line the following:

“105.485. 1. Each financial interest statement required by sections 105.483 to 105.492 shall be on a form prescribed by the commission and shall be signed and verified by a written declaration that it is made under penalties of perjury; provided, however, the form shall not seek information which is not specifically required by sections 105.483 to 105.492.

2. Each person required to file a financial interest statement pursuant to subdivisions (1) to (12) of section 105.483 shall file the following information for himself, his spouse and dependent children at any time during the period covered by the statement, whether singularly or collectively; provided, however, that said person, if he does not know and his spouse will not divulge any information required to be reported by this section concerning the financial interest of his spouse, shall state on his financial interest statement that he has disclosed that information known to him and that his spouse has refused or failed to provide other information upon his bona fide request, and such statement shall be deemed to satisfy the requirements of this section for such financial interest of his spouse; and provided further if the spouse of any person required to file a financial interest statement is also required by section 105.483 to file a financial interest statement, the financial interest statement filed by each need not disclose the financial interest of the other, provided that each financial interest statement shall state that the spouse of the person has filed a separate financial interest statement and the name under which the statement was filed:

(1) The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;

(2) The name and address of each sole proprietorship which he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partners' units; and the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

(3) The name and address of any other source not reported pursuant to subdivisions (1) and (2) and subdivisions (4) to (9) of this subsection from which such person received one thousand dollars or more of income during the year covered by the statement, including, but not limited to, any income otherwise required to be reported on any tax return such person is required by law to file; except that only the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system need be reported pursuant to this subdivision;

(4) The location by county, the subclassification for property tax assessment purposes, the approximate size and a description of the major improvements and use for each parcel of real property in the state, other than the individual's personal residence, having a fair market value of ten thousand dollars or more in which such person held a vested interest including a leasehold for a term of ten years or longer, and, if the property was transferred during the year covered by the statement, the name and address of the persons furnishing or receiving consideration for such transfer;

(5) The name and address of each entity in which such person owned stock, bonds or other equity interest with a value in excess of ten thousand dollars; except that, if the entity is a corporation listed on a regulated stock exchange, only the name of the corporation need be listed; and provided that any member of any board or commission of the state or any political subdivision who does not receive any compensation for his services to the state or political subdivision other than reimbursement for his actual expenses or a per diem allowance as prescribed by law for each day of such service need not report interests in publicly traded corporations or limited partnerships which are listed on a regulated stock exchange or automated

quotation system pursuant to this subdivision; and provided further that the provisions of this subdivision shall not require reporting of any interest in any qualified plan or annuity pursuant to the Employees' Retirement Income Security Act;

(6) The name and address of each corporation for which such person served in the capacity of a director, officer or receiver;

(7) The name and address of each not-for-profit corporation and each association, organization, or union, whether incorporated or not, except not-for-profit corporations formed to provide church services, fraternal organizations or service clubs from which the officer or employee draws no remuneration, in which such person was an officer, director, employee or trustee at any time during the year covered by the statement, and for each such organization, a general description of the nature and purpose of the organization;

(8) The name and address of each source from which such person received a gift or gifts, or honorarium or honoraria in excess of two hundred dollars in value per source during the year covered by the statement other than gifts from persons within the third degree of consanguinity or affinity of the person filing the financial interest statement. For the purposes of this section, a "gift" shall not be construed to mean political contributions otherwise required to be reported by law or hospitality such as food, beverages or admissions to social, art, or sporting events or the like, or informational material. For the purposes of this section, a "gift" shall include gifts to or by creditors of the individual for the purpose of canceling, reducing or otherwise forgiving the indebtedness of the individual to that creditor;

(9) The lodging and travel expenses provided by any third person for expenses incurred outside the state of Missouri whether by gift or in relation to the duties of office of such official, except that such statement shall not include travel or lodging expenses:

(a) Paid in the ordinary course of business for businesses described in subdivisions (1), (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

(b) For which the official may be reimbursed as provided by law; or

(c) Paid by persons related by the third degree of consanguinity or affinity to the person filing the statement; or

(d) Expenses which are reported by the campaign committee or candidate committee of the person filing the statement pursuant to the provisions of chapter 130, RSMo; or

(e) Paid for purely personal purposes which are not related to the person's official duties by a third person who is not a lobbyist, a lobbyist principal or member, or officer or director of a member, of any association or entity which employs a lobbyist. The statement shall include the name and address of such person who paid the expenses, the date such expenses were incurred, the amount incurred, the location of the travel and lodging, and the nature of the services rendered or reason for the expenses;

(10) The assets in any revocable trust of which the individual is the settlor if such assets would otherwise be required to be reported under this section;

(11) The name, position and relationship of any relative within the first degree of consanguinity or affinity to any other person who:

(a) Is employed by the state of Missouri, by a political subdivision of the state or special district, as defined in section 115.013, RSMo, of the state of Missouri;

(b) Is a lobbyist; or

(c) Is a fee agent of the department of revenue;

(12) The name and address of each campaign committee, political committee, candidate committee, or continuing committee for which such person or any corporation listed on such person's financial interest statement received payment; **and**

(13) For members of the general assembly or any state-wide elected public official, their spouses, and their dependent children, whether any state tax credits were claimed on the member's, spouse's, or dependent child's most recent state income tax return.

3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this section, an individual shall be deemed to have received a salary from his employer or income from any source at the time when he shall receive a negotiable instrument whether or not payable at a later date and at the time when under the practice of his employer or the terms of an agreement, he has earned or is entitled to anything of actual value whether or not delivery of the value is deferred or right to it has vested. The term "income" as used in this section shall have the same meaning as provided in the Internal Revenue Code of 1986, and amendments thereto, as the same may be or becomes effective, at any time or from time to time for the taxable year, provided that income shall not be considered received or earned for purposes of this section from a partnership or sole proprietorship until such income is converted from business to personal use.

4. Each official, officer or employee or candidate of any political subdivision described in subdivision (11) of section 105.483 shall be required to file a financial interest statement as required by subsection 2 of this section, unless the political subdivision biennially adopts an ordinance, order or resolution at an open meeting by September fifteenth of the preceding year, which establishes and makes public its own method of disclosing potential conflicts of interest and substantial interests and therefore excludes the political subdivision or district and its officers and employees from the requirements of subsection 2 of this section. A certified copy of the ordinance, order or resolution shall be sent to the commission within ten days of its adoption. The commission shall assist any political subdivision in developing forms to complete the requirements of this subsection. The ordinance, order or resolution shall contain, at a minimum, the following requirements with respect to disclosure of substantial interests:

(1) Disclosure in writing of the following described transactions, if any such transactions were engaged in during the calendar year:

(a) For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision;

(b) The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision;

(2) The chief administrative officer and chief purchasing officer of such political subdivision shall disclose in writing the information described in subdivisions (1), (2) and (6) of subsection 2 of this section;

(3) Disclosure of such other financial interests applicable to officials, officers and employees of the political subdivision, as may be required by the ordinance or resolution;

(4) Duplicate disclosure reports made pursuant to this subsection shall be filed with the commission and the governing body of the political subdivision. The clerk of such governing body shall maintain such disclosure reports available for public inspection and copying during normal business hours.

135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, RSMo, except sections 143.191 to 143.261, RSMo, as a production incentive to produce processed wood products in a qualified wood producing facility using Missouri forest product residue. The tax credit to the wood energy producer shall be five dollars per ton of processed material. The credit may be claimed for a period of five years and is to be a tax credit against the tax otherwise due. **No new tax credits, provided for under sections 135.300 to 135.311, shall be authorized after June 30, 2013.**”; and

Further amend said Bill, Section 135.682, Line 18, Page 35, by inserting after all of said line the following:

“135.800. 1. The provisions of sections 135.800 to 135.830 shall be known and may be cited as the “Tax Credit Accountability Act of 2004”.

2. As used in sections 135.800 to 135.830, the following terms mean:

(1) “Administering agency”, the state agency or department charged with administering a particular tax credit program, as set forth by the program's enacting statute; where no department or agency is set forth, the department of revenue;

(2) “Agricultural tax credits”, the agricultural product utilization contributor tax credit created pursuant to section 348.430, RSMo, the new generation cooperative incentive tax credit created pursuant to section 348.432, RSMo, and the wine and grape production tax credit created pursuant to section 135.700;

(3) “All tax credit programs”, the tax credit programs included in the definitions of agricultural tax credits, business recruitment tax credits, community development tax credits, domestic and social tax credits, entrepreneurial tax credits, environmental tax credits, housing tax credits, redevelopment tax credits, and training and educational tax credits;

(4) “Business recruitment tax credits”, the business facility tax credit created pursuant to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created pursuant to sections 135.200 to 135.270, the business use incentives for large-scale development programs created pursuant to sections 100.700 to 100.850, RSMo, the development tax credits created pursuant to sections 32.100 to 32.125, RSMo, the rebuilding communities tax credit created pursuant to section 135.535, and the film production tax credit created pursuant to section 135.750;

(5) “Community development tax credits”, the neighborhood assistance tax credit created pursuant to sections 32.100 to 32.125, RSMo, the family development account tax credit created pursuant to sections 208.750 to 208.775, RSMo, the dry fire hydrant tax credit created pursuant to section 320.093, RSMo, and the transportation development tax credit created pursuant to section 135.545;

(6) “Domestic and social tax credits”, the youth opportunities tax credit created pursuant to section 135.460 and sections 620.1100 to 620.1103, RSMo, the shelter for victims of domestic violence created pursuant to section 135.550, the senior citizen or disabled person property tax credit created pursuant to sections 135.010 to 135.035, the special needs adoption tax credit created pursuant to sections 135.325 to

135.339, the maternity home tax credit created pursuant to section 135.600, and the shared care tax credit created pursuant to section 660.055, RSMo;

(7) “Entrepreneurial tax credits”, the capital tax credit created pursuant to sections 135.400 to 135.429, the certified capital company tax credit created pursuant to sections 135.500 to 135.529, the seed capital tax credit created pursuant to sections 348.300 to 348.318, RSMo, the new enterprise creation tax credit created pursuant to sections 620.635 to 620.653, RSMo, the research tax credit created pursuant to section 620.1039, RSMo, the small business incubator tax credit created pursuant to section 620.495, RSMo, the guarantee fee tax credit created pursuant to section 135.766, and the new generation cooperative tax credit created pursuant to sections 32.105 to 32.125, RSMo;

(8) “Environmental tax credits”, the charcoal producer tax credit created pursuant to section 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311[, and the manufacturing and recycling flexible cellulose casing tax credit created pursuant to section 260.285, RSMo];

(9) “Housing tax credits”, the neighborhood preservation tax credit created pursuant to sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections 135.350 to 135.363, and the affordable housing tax credit created pursuant to sections 32.105 to 32.125, RSMo;

(10) “Recipient”, the individual or entity who is the original applicant for and who receives proceeds from a tax credit program directly from the administering agency, the person or entity responsible for the reporting requirements established in section 135.805;

(11) “Redevelopment tax credits”, the historic preservation tax credit created pursuant to sections 253.545 to 253.561, RSMo, the brownfield redevelopment program tax credit created pursuant to sections 447.700 to 447.718, RSMo, the community development corporations tax credit created pursuant to sections 135.400 to 135.430, the infrastructure tax credit created pursuant to subsection 6 of section 100.286, RSMo, the bond guarantee tax credit created pursuant to section 100.297, RSMo, and the disabled access tax credit created pursuant to section 135.490;

(12) “Training and educational tax credits”, the community college new jobs tax credit created pursuant to sections 178.892 to 178.896, RSMo[, the skills development account tax credit created pursuant to sections 620.1400 to 620.1460, RSMo, the mature worker tax credit created pursuant to section 620.1560, RSMo, and the sponsorship and mentoring tax credit created pursuant to section 135.348].

135.805. 1. A recipient of a community development tax credit shall annually, for a period of three years following issuance of tax credits, provide to the administering agency information confirming the title and location of the corresponding project, the estimated or actual time period for completion of the project, and all geographic areas impacted by the project.

2. A recipient of a redevelopment tax credit shall annually, for a period of three years following issuance of tax credits, provide to the administering agency information confirming whether the property is used for residential, commercial, or governmental purposes, and the projected or actual project cost, labor cost, and date of completion.

3. A recipient of a business recruitment tax credit shall annually, for a period of three years following issuance of tax credits, provide to the administering agency information confirming the category of business by size, the address of the business headquarters and all offices located within this state, the number of employees at the time of the annual update, an updated estimate of the number of employees projected to increase as a result of the completion of the project, and the estimated or actual project cost.

4. A recipient of a training and educational tax credit shall annually, for a period of three years following issuance of tax credits, provide to the administering agency information confirming the name and address of the educational institution used, the average salary of workers served as of such annual update, the estimated or actual project cost, and the number of employees and number of students served as of such annual update.

5. A recipient of a housing tax credit shall annually, for a period of three years following issuance of tax credits, provide to the administering agency information confirming the address of the property, the fair market value of the property, as defined in subsection 6 of section 135.802, and the projected or actual labor cost and completion date of the project.

6. A recipient of an entrepreneurial tax credit shall annually, for a period of three years following issuance of tax credits, provide to the administering agency information confirming the amount of investment and the names of the project, fund, and research project.

7. A recipient of an agricultural tax credit shall annually, for a period of three years following issuance of tax credits, provide to the administering agency information confirming the type of agricultural commodity, the amount of contribution, the type of equipment purchased, and the name and description of the facility, except that if the agricultural credit is issued as a result of a producer member investing in a new generation processing entity then the new generation processing entity, and not the recipient, shall annually, for a period of three years following issuance of tax credits, provide to the administering agency information confirming the type of agricultural commodity, the amount of contribution, the type of equipment purchased, and the name and description of the facility.

8. A recipient of an environmental tax credit shall annually, for a period of three years following issuance of tax credits, provide to the administering agency information detailing any change to the type of equipment purchased, if applicable, and any change to any environmental impact statement, if such statement is required by state or federal law.

9. The reporting requirements established in this section shall be due annually on June thirtieth of each year. No person or entity shall be required to make an annual report until at least one year after the credit issuance date.

10. Where the sole requirement for receiving a tax credit in the enabling legislation of any tax credit is an obligatory assessment upon a taxpayer or a monetary contribution to a particular group or entity, the reporting requirements provided in this section shall apply to the recipient of such assessment or contribution and shall not apply to the assessed nor the contributor.

11. Where the enacting statutes of a particular tax credit program or the rules of a particular administering agency require reporting of information that includes the information required in sections 135.802 to 135.810, upon reporting of the required information, the applicant shall be deemed to be in compliance with the requirements of sections 135.802 to 135.810. The administering agency shall notify in writing the department of economic development of the administering agency's status as custodian of any particular tax credit program and that all records pertaining to the program are available at the administering agency's office for review by the department of economic development.

12. The provisions of subsections 1 to 10 of this section shall apply beginning on June 30, 2005.

13. Notwithstanding provisions of law to the contrary, every agency of this state charged with administering a tax credit program authorized under the laws of this state shall make available for

public inspection the name of each tax credit recipient and the amount of tax credits issued to each such recipient.”; and

Further amend said bill, page 90, section 620.1881, line 2, by inserting immediately after said line the following:

“[135.348. 1. As used in this section, the following terms mean:

(1) “Approved program”, a sponsorship and mentoring program established pursuant to this section and approved by the department of elementary and secondary education;

(2) “Eligible student”, a resident pupil of a school district who is determined by the local school board to be eligible to participate in a sponsorship and mentoring program pursuant to this section and who participates in such program for no less than eight calendar months in the tax year for which a return is filed claiming a credit authorized in this section;

(3) “Net expenditures”, only those amounts paid or incurred for the participation of an eligible student participating in an approved sponsorship and mentoring program less any amounts received by the qualified taxpayer from any source for the provision of a sponsorship and mentoring program for an eligible student;

(4) “Qualified taxpayer”, an employer who makes expenditures pursuant to this section.

2. For taxable years commencing on or after January 1, 1998, a qualified taxpayer shall be allowed a credit against the tax imposed by chapter 143, RSMo, exclusive of the provisions relating to the withholding of tax as provided in sections 143.191 to 143.265, RSMo, to the extent of the lesser of two thousand dollars times the number of eligible students for which the qualified taxpayer is allowed a credit pursuant to this section or the net expenditures made directly or through a fund during a taxable year by the qualified taxpayer for the participation of an eligible student in an approved sponsorship and mentoring program established pursuant to this section. No credit shall be allowed for any amounts for which any other credit is claimed or allowed under any other provision of state law for the same net expenditures.

3. The tax credit allowed by this section shall be claimed by the qualified taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143, RSMo, after all other credits provided by law have been applied. Where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability shall not be refundable but may be carried forward to any of the taxpayer's four subsequent taxable years.

4. The department of elementary and secondary education shall establish, by rule, guidelines and criteria for approval of sponsorship and mentoring programs established by school districts and for determining the eligibility of students for participation in sponsorship and mentoring programs established pursuant to this section. Such determinations for eligibility of students shall be based upon a definition of an at-risk student as established by the department by rule.

5. A local school board may establish a sponsorship and mentoring program and apply to the department of elementary and secondary education for approval of such program. A tax credit may only be received pursuant to this section for expenditures for sponsorship and mentoring programs approved by the department. The school board of each district which has an approved program

shall annually certify to the department of elementary and secondary education the number of eligible students participating in the program. The principal of any school in a district which has an approved program may recommend, to the local school board, those students who do not meet the definition of “at-risk” students established pursuant to this section, and the school board may submit the names of such students and the circumstances which justify the student's participation in an approved program to the department of elementary and secondary education for approval of such student's participation. If approved by the department, such students shall be considered eligible students for participation in an approved program.

6. The department of elementary and secondary education shall provide written notification to the department of revenue of each eligible student participating in an approved program pursuant to this section, the student's school district, the name of the qualified taxpayer approved to receive a tax credit on the basis of such eligible student's participation in an approved program pursuant to this section and the amount of such credit as determined in subsection 2 of this section. This section is subject to appropriations.]

[260.285. 1. Any manufacturer engaged in this state in production of a meat or poultry food product intended for human consumption that is recycling flexible cellulose casing manufactured from cotton linters used and consumed directly in the production of such food product shall be eligible for a credit as defined in subsection 2 of this section. For purposes of this section, “cotton linters” means fibers from any plant or wood pulp material used for the creation of flexible cellulose casings.

2. The credit authorized in subsection 1 shall be equal to the amount of state sales or use taxes paid by a manufacturer to a retailer on such packaging material which is subsequently recycled by either the manufacturer or other person or entity to which the manufacturer conveys such packaging materials, less any consideration received by the manufacturer for such conveyance.

3. A manufacturer shall claim the refund in the month following the month in which the material has been recycled or conveyed for recycling. When claiming a credit pursuant to this section, a manufacturer shall provide a detailed accounting of the amount of packaging material recycled, amount of sales or use tax paid on such material, an affidavit attesting that the manufacturer is eligible pursuant to the provisions of this section for the credit being claimed, documentation that the activity constitutes recycling as certified by the director of the department of natural resources and any other documentation determined necessary by the director of the department of revenue. The director shall refund any valid credit claims within sixty days of receipt. If the director determines that a fraudulent claim for the credit has been filed, the director may assess a penalty in an amount not to exceed twice the amount of fraudulent credits claimed.

4. Payment of credits authorized by this section shall not alter the liability of a retailer regarding sales tax on such material. Credits authorized by this section shall be paid from funds appropriated for the refund of taxes.]”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Clemens offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2058, Page 26, Section 99.825, Line 27, by inserting immediately after said line the following:

“105.1270. 1. Notwithstanding any provision to the contrary, a corporation, partnership, firm, trust, association, or other entity shall not be disqualified from receiving any state authorized tax credit, abatement, exemption, or loan on the basis that there exists a conflict of interest due to a relationship of any degree or affinity to any statewide elected official or member of the general assembly, when the person of relation holds less than a two percent equity interest in the entity standing to benefit from the credit, abatement, exemption, or loan.”; and

Further amend said bill, Page 35, Section 135.682, Line 18, by inserting after all of said line the following:

“135.803. A taxpayer shall not be deemed ineligible for any state tax credit program in effect or hereinafter established on the basis that there exists a conflict of interest due to a relationship of any degree or affinity to any statewide elected official or member of the general assembly, when the person of relation holds less than a two percent equity interest in the taxpayer.”; and

Further amend the title and enacting clause accordingly.

Senator Clemens moved that the above amendment be adopted.

Senator Kennedy raised the point of order that **SA 7** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SA 7 was again taken up.

Senator Clemens moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Loudon offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2058, Page 90, Section 620.1881, Line 2 of said page, by inserting immediately after said line the following:

“Section 1. 1. As used in this section, the following terms mean:

(1) “Contribution”, a donation of cash, stock, bonds, or other marketable securities, or real property;

(2) “Department”, the department of revenue;

(3) “State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, and 153, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;

(4) “Taxpayer”, a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. For all tax years beginning on or after January 1, 2008, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to twenty-five percent of the amount such taxpayer contributed to birthing centers where physicians supervise certified professional midwives after January 1, 2008.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year for which the credit is claimed. However, any tax credit that cannot be claimed in the taxable year the monetary gift was made may be carried forward to the next three succeeding taxable years until the full credit has been claimed. The tax credit allowed under this section shall be nontransferable.

4. The cumulative amount of tax credits which may be issued under this section in any one fiscal year shall not exceed two hundred and fifty thousand dollars. If the amount of tax credits claimed under this section exceeds two hundred and fifty thousand dollars in any one fiscal year, the director of the department of revenue shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all taxpayers allowed a tax credit under this section. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

5. Not less than one hundred and twenty days from the effective date of this act, the department shall promulgate rules necessary for the implementation of the provisions of this act. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

6. The provisions of this section shall automatically sunset two years after August 28, 2008, unless reauthorized.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Dempsey raised the point of order that **SA 8** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SA 8 was again taken up.

Senator Loudon moved that the above amendment be adopted, which motion failed.

Senator Shoemyer offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2058, Page 51, Section 137.115, Line 14, by inserting immediately after all of said line the following:

“144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a “material recovery processing plant” means a facility that has as its primary purpose the recovery of materials into a useable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010, RSMo. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, in the transportation of persons or property;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes

of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations

which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, RSMo, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, RSMo, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term “feed additives” means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term “pesticides” includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term “farm machinery and equipment” means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) “Domestic use” means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential

apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (4) of this subsection;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo;

(38) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or

college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, “neutral site” means any site that is not located on the campus of a conference member institution participating in the event;

(39) All purchases by a sports complex authority created under section 64.920, RSMo;

(40) Sales of radios designed for the primary purpose of receiving transmissions of weather forecasts and warnings provided by the National Oceanic and Atmospheric Administration.”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted.

Senator Dempsey raised the point of order that **SA 9** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Koster offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2058, Page 33, Section 135.562, Line 25, by inserting immediately after all of said line the following:

“135.670. 1. As used in this section, the following terms mean:

(1) “Class 8 truck”, a heavy duty vehicle, as defined in 42 U.S.C. Section 16104, as amended, that has a gross vehicle weight in excess of thirty three thousand pounds;

(2) “Department”, the department of revenue;

(3) “Idle reduction technology”, shall have the same meaning ascribed in 42 U.S.C. Section 16104, as amended;

(4) “State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, and 153, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;

(5) “Taxpayer”, a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. For all tax years beginning on or after January 1, 2008, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the amount such taxpayer paid to purchase and install idle reduction technology on a class 8 truck after January 1, 2008. In no case shall the tax credit exceed thirty five hundred dollars per truck.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year for which the credit is claimed. However, any tax credit that cannot be claimed in the taxable year the purchase and installation was made may be carried over to the next three succeeding taxable years until the full credit has been claimed. The tax credit allowed under this section shall be nontransferable.

4. The cumulative amount of tax credits which may be issued under this section in any one fiscal year shall not exceed ten million dollars, and the total amount of tax credits which may be issued under this section shall not exceed twenty million dollars. If the amount of tax credits claimed under this section exceeds ten million dollars in any one fiscal year, the director of the department of revenue shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all taxpayers allowed a tax credit under this section. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

5. Not less than one hundred and twenty days from the effective date of this act, the department shall promulgate rules necessary for the implementation of the provisions of this act. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

6. The provisions of this section shall automatically sunset two years after August 28, 2008, unless reauthorized.”; and

Further amend the title and enacting clause accordingly.

Senator Koster moved that the above amendment be adopted.

Senator Dempsey raised the point of order that **SA 10** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Goodman offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2058, Page 51, Section 144.057, Line 23 of said page, by inserting after all of said line the following:

“305.230. 1. The state highways and transportation commission shall administer an aeronautics program within this state. The commission shall encourage, foster and participate with the political subdivisions of this state in the promotion and development of aeronautics. The commission may provide

financial assistance in the form of grants from funds appropriated for such purpose to any political subdivision or instrumentality of this state acting independently or jointly or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration for the planning, acquisition, construction, improvement or maintenance of airports, or for other aeronautical purposes.

2. Any political subdivision or instrumentality of this state or the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration receiving state funds for the purchase, construction, or improvement, except maintenance, of an airport shall agree before any funds are paid to it to control by ownership or lease the airport for a period equal to the useful life of the project as determined by the commission following the last payment of state or federal funds to it. In the event an airport authority ceases to exist for any reason, this obligation shall be carried out by the governing body which created the authority.

3. Unless otherwise provided, grants to political subdivisions, instrumentalities or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration shall be made from the aviation trust fund. In making grants, the commission shall consider whether the local community has given financial support to the airport in the past. Priority shall be given to airports with local funding for the past five years with no reduction in such funding. The aviation trust fund is a revolving trust fund exempt from the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue funds of the state by the state treasurer. All interest earned upon the balance in the aviation trust fund shall be deposited to the credit of the same fund.

4. The moneys in the aviation trust fund shall be administered by the commission and, when appropriated, shall be used for the following purposes:

(1) As matching funds on an up to ninety percent state/ten percent local basis, except in the case where federal funds are being matched, when the ratio of state and local funds used to match the federal funds shall be fifty percent state/fifty percent local:

(a) For preventive maintenance of runways, taxiways and aircraft parking areas, and for emergency repairs of the same;

(b) For the acquisition of land for the development and improvement of airports;

(c) For the earthwork and drainage necessary for the construction, reconstruction or repair of runways, taxiways, and aircraft parking areas;

(d) For the construction, or restoration of runways, taxiways, or aircraft parking areas;

(e) For the acquisition of land or easements necessary to satisfy Federal Aviation Administration safety requirements;

(f) For the identification, marking or removal of natural or manmade obstructions to airport control zone surfaces and safety areas;

(g) For the installation of runway, taxiway, boundary, ramp, or obstruction lights, together with any work directly related to the electrical equipment;

(h) For the erection of fencing on or around the perimeter of an airport;

(i) For purchase, installation or repair of air navigational and landing aid facilities and communication equipment;

(j) For engineering related to a project funded under the provisions of this section and technical studies or consultation related to aeronautics;

(k) For airport planning projects including master plans and site selection for development of new airports, for updating or establishing master plans and airport layout plans at existing airports;

(l) For the purchase, installation, or repair of safety equipment and such other capital improvements and equipment as may be required for the safe and efficient operation of the airport;

(2) As total funds, with no local match:

(a) For providing air markers, windsocks, and other items determined to be in the interest of the safety of the general flying public;

(b) For the printing and distribution of state aeronautical charts and state airport directories on an annual basis, and a newsletter on a quarterly basis or the publishing and distribution of any public interest information deemed necessary by the commission;

(c) For the conducting of aviation safety workshops;

(d) For the promotion of aerospace education;

(3) As total funds with no local match, up to five hundred thousand dollars per year may be used for the cost of operating existing air traffic control towers that do not receive funding from the Federal Aviation Administration or the United States Department of Defense, except no more than one hundred sixty-seven thousand dollars per year may be used for any individual control tower.

5. In the event of a natural or manmade disaster which closes any runway or renders inoperative any electronic or visual landing aid at an airport, any funds appropriated for the purpose of capital improvements or maintenance of airports may be made immediately available for necessary repairs once they are approved by the commission. For projects designated as emergencies by the commission, all requirements relating to normal procurement of engineering and construction services are waived.

6. As used in this section, the term “instrumentality of the state” shall mean any state educational institution as defined in section 176.010, RSMo, or any state agency which owned or operated an airport on January 1, 1997, and continues to own or operate such airport.

7. Notwithstanding any provision of this section or any other provision of the law to the contrary, the commission may provide financial assistance in the form of grants appropriated for such purpose to any privately-financed and operated commercial airport that has a runway which is at least seven thousand feet long and has been given a class D airspace designation by the Federal Aviation Administration. Any grants to any airport described in this subsection shall be made from the aviation trust fund and such grants may only be used by such airport for advertising purposes to promote the use of the airport's facilities and to attract tourists to the surrounding area.”; and

Further amend the title and enacting clause accordingly.

Senator Goodman moved that the above amendment be adopted.

Senator Graham raised the point of order that **SA 11** is out of order as it goes beyond the title and scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Kennedy moved that **SS** for **SCS** for **HCS** for **HB 2058**, as amended, be adopted, which motion prevailed.

On motion of Senator Kennedy, **SS** for **SCS** for **HCS** for **HB 2058**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Champion	Clemens	Coleman	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Mayer	McKenna	Nodler	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senators

Bartle	Callahan	Loudon	Purgason—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

INTRODUCTIONS OF GUESTS

Senator Graham introduced to the Senate, Adam Kidwell and Hannah Wedemeyer, Columbia.

On motion of Senator Shields, the Senate adjourned until 10:30 a.m., Wednesday, May 14, 2008.

SENATE CALENDAR

SIXTY-EIGHTH DAY—WEDNESDAY, MAY 14, 2008

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)

SB 1099-Graham
SS#2 for SCS for SBs 1021 & 870-Loudon

HOUSE BILLS ON THIRD READING

- | | |
|--|--|
| 1. HCS for HB 1700, with SCS (Scott) | 10. HCS for HBs 2062 & 1518, with SCS (Stouffer) |
| 2. HCS for HJR 43, with SCS (Gibbons) | 11. HCS for HB 1883, with SCS (Loudon) |
| 3. HB 1995-Schieffer, et al (Rupp) | 12. HCS for HJR 48 (Scott) |
| 4. HB 1716-Guest, et al (Purgason) | 13. HCS for HB 2321, with SCS (Crowell) |
| 5. HCS for HBs 1831 & 1472 (Mayer) | 14. HCS for HJR 41, with SCS (Rupp) |
| 6. HCS#2 for HB 1423, with SCS (Goodman) | 15. HB 1320-Brown (50) (Dempsey) |
| 7. HCS for HB 1626 (Ridgeway) | 16. HCS for HB 1332, with SCS (Goodman) |
| 8. HCS for HBs 1788 & 1882 (Crowell) | |
| 9. HCS for HB 1314, with SCS (Callahan) | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SBs 712 & 882-Gibbons and Rupp, with SCS | SB 990-Champion |
| SB 713-Gibbons, with SCS | SBs 993 & 770-Crowell, with SCS, SS for SCS, SA 4 & SSA 1 for SA 4 (pending) |
| SB 716-Loudon, et al | SB 996-Crowell, with SCS |
| SB 717-Kennedy and Shields | SB 997-Crowell |
| SB 729-Griesheimer, with SCS | SB 1000-Justus |
| SB 749-Ridgeway, with SCS | SB 1007-Loudon, with SA 2 (pending) |
| SB 756-Engler and Rupp, with SCS (pending) | SB 1035-Scott, with SCS |
| SB 776-Justus and Koster, with SCS | SB 1046-Mayer, with SA 1 & SSA 1 for SA 1 (pending) |
| SB 809-Stouffer, with SCS, SS for SCS & SA 1 (pending) | SB 1052-Rupp |
| SB 811-Stouffer, with SCS, SA 1 & point of order (pending) | SB 1054-Dempsey, with SCS |
| SB 815-Goodman | SB 1057-Scott, with SCS |
| SB 821-Shoemyer, with SCS (pending) | SB 1058-Mayer |
| SBs 840 & 857-Engler, with SCS & SS for SCS (pending) | SB 1067-Ridgeway, et al |
| SB 861-Shoemyer, with SCS | SB 1077-Goodman, with SS (pending) |
| SB 874-Graham, with SCS | SB 1093-Loudon, et al |
| SB 877-Mayer | SB 1094-Loudon, with SCS |
| SB 881-Green | SB 1101-Bray, et al |
| SB 904-Griesheimer, with SCS | SB 1103-Gibbons |
| SBs 909, 954, 934 & 1003-Engler, with SCS | SB 1138-McKenna, with SCS |
| SB 915-Ridgeway | SB 1158-Mayer, with SCS |
| SB 917-Goodman, et al | SB 1164-Loudon |
| SB 929-Green and Callahan, with SCS | SB 1180-Crowell |
| SB 957-Goodman | SB 1183-Bray, with SCS |
| SBs 982, 834 & 819-Purgason, with SCS | SB 1194-Goodman |
| | SB 1197-Crowell |

SBs 1234 & 1270-Shields, with SCS & SS#2
for SCS (pending)
SB 1240-Dempsey
SB 1244-Barnitz and Purgason

SB 1275-Vogel
SB 1278-Shields
SJR 43-Loudon

HOUSE BILLS ON THIRD READING

HCS for HBs 1321 & 1695, with SCS
(Gibbons)
HB 1358-Flook, et al (Ridgeway)
HCS for HB 1393 (Ridgeway)
HCS#2 for HB 1463, with SCS
HCS for HB 1474, with SCS (Scott)
HCS for HB 1516, with SCS (Goodman)
HB 1532-Davis, with SCS (Rupp)
SS for HCS for HBs 1549, 1771, 1395 &
2366 (Rupp) (In Fiscal Oversight)
HCS for HB 1550 (Dempsey)
HCS for HBs 1595 & 1668 (Mayer)
HB 1617-Cunningham (86), et al (Dempsey)
HB 1656-Nance and Cooper (155), with SCS
(Stouffer)
HB 1661-LeVota, et al (Ridgeway)
HB 1711-Weter, et al, with SCS, SS#2 for
SCS & SA 10 (pending) (Clemens)
HCS for HB 1722, with SCS (Mayer)
HCS for HB 1763, with SS, SA 5 & SA 2 to
SA 5 (pending) (Engler)

HCS for HB 1790, HB 1805 & HCS for
HB 1546, with SCS (Shields)
HB 1832-Cooper (120), et al, with SCS
(Griesheimer)
HCS for HBs 1876 & 1877, with SCS (Mayer)
HCS for HB 1904, with SCS (Goodman)
HB 1923-Jones (117) and Pratt (Barnitz)
HB 1937-Pearce, et al, with SCS (Scott)
HB 1973-Franz, with SCS (Engler)
HB 1983-Pratt, with SCS (Goodman)
HCS for HB 2041, with SCS (Scott)
HCS for HB 2068 (Scott)
HB 2081-Dougherty, with SCS, SS for SCS
and SA 9 (pending) (Callahan)
HCS for HB 2104, HB 1574, HB 1706, HCS
for HB 1774, HB 2055 & HCS for
HB 2056, with SCS (Crowell)
HB 2191-Nasheed, et al, with SCS (Coleman)
HB 2226-Muschany (Rupp)
HCS for HJR 55 (Crowell)

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)
HB 1670-Cooper (120) (Dempsey)
HB 1828-Sutherland (Vogel)
HB 1410-Flook, et al (Ridgeway)
HCS for HB 1888 (Clemens)
HB 1368-Thomson (Lager)
HB 1869-Wilson (130), et al (Goodman)

HB 2213-Kraus, et al (Shields)
HB 1354-Wilson (119), et al (Scott)
HCS for HB 1575 (Vogel)
HB 1952-Loehner, et al (Barnitz)
HB 1887-Parson (Scott)
HCS for HB 2360 (Lager)
HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin (Ridgeway)
HB 2233-Page, et al (Shields)

HB 1419-Portwood (Loudon)
HB 1791-Cooper (155), et al (Barnitz)

Reported 4/15

HCS for HB 1380 (Goodman)
HCS for HB 2036 (Stouffer)
HB 1849-Pratt and Curls (Justus)
HB 1469-Pratt (Goodman)
HB 1710-Flook (Ridgeway)

HCS for HB 1783 (Engler)
HB 1784-Meadows, et al (McKenna)
HB 1313-Wright, et al (Mayer)
HCS for HB 1893 (Dempsey)
HB 1881-Schlottach (Kennedy)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 932-Loudon, with HCS, as amended

SCS for SBs 1034 & 802-Mayer, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 711-Gibbons, et al,
with HCS, as amended
SB 841-Stouffer, with HCS, as amended
SS for SCS for SB 931-Purgason, with
HCS, as amended (Senate adopted CCR
and passed CCS)

SB 1068-Mayer, with HA 1 & HA 3
SB 1074-Dempsey, with HCS, as amended
HB 2224-Jones (117), with SS for SCS
(Griesheimer)
HCS for HB 2279, with SCS, as amended
(Engler)

Requests to Recede or Grant Conference

SCS for SB 720-Coleman, with HCS, as
amended (Senate requests House
recede or grant conference)
SCS for SB 901-Loudon, et al,
with HSA 1 for HA 1
(Senate requests House recede and pass bill)

SCS for SBs 930 & 947-Stouffer, with
HCS, as amended (Senate requests
House recede or grant conference)
SB 1288-Shields, with HCS, as amended
(Senate requests House recede or
grant conference)

RESOLUTIONS

Reported from Committee

SCR 27-Champion
SCR 32-Purgason
SCR 33-Bray

HCR 7-Pearce, et al (Rupp)
HCR 23-Dixon, et al, with SCA 1 (Loudon)

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Journal of the Senate

SECOND REGULAR SESSION

SIXTY-EIGHTH DAY—WEDNESDAY, MAY 14, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Benjamin Franklin said: "I am in perpetual anxiety lest...an accidental quarrel, a personal insult, an imprudent order...make a breach that can never afterward be healed." (October 6, 1774)

Merciful God, it feels as if we just left the chamber to rest and we are still tired and we are back here. We know that sometimes we may be short on patience so we need Your help this day so that we might practice what we have been taught and concerned how we treat another. So walk with us this day as we discuss and discern the needs of the people of this state and how to be instruments of healing our hurting world. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bray offered Senate Resolution No. 2739, regarding the Seventieth Ordination Anniversary of Monsignor James Hartnett, St. Louis, which was adopted.

Senators McKenna and Green offered Senate Resolution No. 2740, regarding Ernie Brown, which was adopted.

Senator Graham offered Senate Resolution No. 2741, regarding Robert A. Bach, Moberly, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 4**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 5**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 16**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 18**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 19**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS for HCR 21**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 25**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 26**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 34**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 35**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **HCRs 43** and **46**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HB 1628, introduced by Representative Cooper (120), entitled:

An Act to repeal section 142.869, RSMo, and to enact in lieu thereof one new section relating to alternative fuel decals, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Scott.

Senator Lager assumed the Chair.

Senator Dempsey assumed the Chair.

Senator Scott moved that **HB 1628** be read the 3rd time and finally passed.

At the request of Senator Scott, the above motion was withdrawn which placed **HB 1628** back on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 711**, as amended. Representatives: Sutherland, Stream, Portwood, Talbo and Zweifel.

On motion of Senator Shields, the Senate recessed until 1:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Mayer.

RESOLUTIONS

Senator Griesheimer offered Senate Resolution No. 2742, regarding Aaron D. Wesche, New Haven, which was adopted.

Senator Champion offered Senate Resolution No. 2743, regarding Robert C. Fulp, Springfield, which was adopted.

Senator Green offered Senate Resolution No. 2744, regarding Evan Theodore Meiners, Florissant, which was adopted.

Senator Loudon offered Senate Resolution No. 2745, regarding Farmers Insurance, which was adopted.

Senator Graham offered Senate Resolution No. 2746, regarding Marge Gibson, which was adopted.

HOUSE BILLS ON THIRD READING

HCS for HB 1790, HB 1805, introduced by Representative Schaaf, et al, and **HCS for HB 1546**, with **SCS**, entitled respectively:

An Act to repeal sections 190.100, 190.176, 190.200, 190.241, 190.243, and 190.245, RSMo, and to enact in lieu thereof six new sections relating to the time critical diagnosis system.

An Act to repeal section 354.535, RSMo, and to enact in lieu thereof two new sections relating to insurance co-payments for prescription drugs.

An Act to repeal sections 192.667 and 197.150, RSMo, and to enact in lieu thereof two new sections relating to infections, with a penalty provision.

Were called from the Informal Calendar and taken up by Senator Shields.

SCS for HCS for HB 1790, HB 1805 and HCS for HB 1546, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1790
and
HOUSE BILL NO. 1805
and
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1546

An Act to repeal sections 190.100, 190.176, 190.200, 190.241, 190.243, 190.245, 192.667, 197.150, and 354.535, RSMo, and to enact in lieu thereof ten new sections relating to health care services, with a penalty provision.

Was taken up.

Senator Shields moved that **SCS for HCS for HB 1790, HB 1805 and HCS for HB 1546** be adopted, which motion failed.

At the request of Senator Shields, **HCS** for **HB 1790** was placed on the Informal Calendar.

HB 1805 was placed on the Informal Calendar.

HCS for **HB 1546** was placed on the Informal Calendar.

HCS for **HB 1393**, entitled:

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear for operation of motorcycles or motortricycles, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Ridgeway.

Senator Graham offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1393, Page 2, Section 302.020, Line 31, by inserting immediately after said line the following:

“Section 1. Every person who engages in the profession or hobby of skydiving shall wear protective headgear. Such headgear shall conform to the standards promulgated by the director of public safety.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Ridgeway raised the point of order that **SA 1** is out of order as it goes beyond the scope of the bill and is outside the title.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Graham offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 1393, Page 2, Section 302.020, Line 31, by inserting immediately after said line the following:

“Section 1. All persons operating or riding as a passenger on a bicycle, as defined in section 307.180, RSM0, upon any highway of this state shall wear protective headgear at all times the bicycle is in motion.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Ridgeway raised the point of order that **SA 2** is out of order as it goes beyond the subject matter of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Graham offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend House Committee Substitute for House Bill No. 1393, Page 2, Section 302.020, Line 31, by inserting immediately after said line the following:

Section 1. The speaker of the Missouri House of Representatives shall wear protective headgear during the last three days of a regularly scheduled session. The speaker shall wear such headgear in the House legislative chamber, the hallways leading to such chamber, and in the speaker's office during the last three days of session.; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Rupp assumed the Chair.

Senator Graham offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend House Committee Substitute for House Bill No. 1393, Page 2, Section 302.020, Line 17, by striking the words “who is under twenty-one years of age”; and further amend line 31, by inserting after all of said line the following:

“4. Notwithstanding the provisions of subsection 2 of this section, any person who is twenty-one years of age or older may operate or ride as a passenger on any motorcycle or motortricycle without protective headgear upon any highway of this state, except for an interstate highway. Any person twenty-one years of age or older operating or riding as a passenger on any motorcycle or motortricycle without protective headgear upon an interstate highway shall be guilty of an infraction for which a fine not to exceed two hundred dollars may be imposed. The protective headgear exemption provided by this subsection shall expire on August 28, 2010.”.

Senator Graham moved that the above amendment be adopted, which motion failed.

President Pro Tem Gibbons assumed the Chair.

Senator Graham offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend House Committee Substitute for House Bill No. 1393, Page 2, Section 302.020, Line 31, by inserting immediately after said line the following:

“4. Every person twenty-one years of age or older operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any highway of this state who chooses not to wear protective headgear shall be required to display a specialized license plate, issued by the director of revenue, that will identify to law enforcement officers those persons who are of legal age to operate or ride as a passenger a motorcycle or motortricycle without wearing protective headgear.”.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Justus, Kennedy and Wilson.

SA 5 failed of adoption by the following vote:

YEAS—Senators

Bray

Graham

Green

Kennedy

Wilson—5

NAYS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Griesheimer	Justus	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel—28				

Absent—Senator Coleman—1

Absent with leave—Senators—None

Vacancies—None

Senator Kennedy offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend House Committee Substitute for House Bill No. 1393, Page 2, Section 302.020, Line 31, by inserting immediately after said line the following:

“4. Any person twenty-one years of age or older who chooses to operate any motorcycle or motortricycle upon any highway of this state without protective headgear shall show proof of and shall maintain medical coverage under a health benefit plan as defined in section 376.1350, RSMo, or under a self-insurance plan at a minimum level of one million dollars. Proof of such medical coverage shall be provided each time the person applies for or renews a motorcycle license or when the person is stopped for any violation arising out of acts committed while operating a motorcycle or motortricycle. The director of revenue shall suspend the registration of any motorcycle or motortricycle being operated by any person who fails to comply with the provisions of this subsection.”.

Senator Kennedy moved that the above amendment be adopted.

Senator Shields assumed the Chair.

Senator Ridgeway raised the point of order that **SA 6** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SA 6 was again taken up.

Senator Champion offered **SA 1** to **SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to House Committee Substitute for House Bill No. 1393, Page 1, Section 302.020, Line 8, by inserting after **“dollars.”** the following: **“Any person operating or riding as a passenger in a motor vehicle without a hardtop, such as a convertible, shall also submit proof of medical coverage in the amount of one million dollars. Children under the age of sixteen shall not be passengers in a motor vehicle without a hardtop without wearing protective headgear.”**

Senator Champion moved that the above amendment be adopted, which motion failed on a standing division vote.

SA 6 was again taken up.

Senator Kennedy moved that the above amendment be adopted, which motion failed.

Senator Engler assumed the Chair.

At the request of Senator Ridgeway, **HCS** for **HB 1393** was placed on the Informal Calendar.

HCS for **HB 1700**, with **SCS**, was placed on the Informal Calendar.

HCS for **HJR 43**, with **SCS**, was placed on the Informal Calendar.

HB 1995 was placed on the Informal Calendar.

HB 1716 was placed on the Informal Calendar.

HCS for **HBs 1831** and **1472** was placed on the Informal Calendar.

HCS No. 2 for **HB 1423**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1626**, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to public assistance for illegal immigrants.

Was taken up by Senator Ridgeway.

At the request of Senator Ridgeway, **HCS** for **HB 1626** was placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 5:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Engler.

Senator Shields announced that photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Engler offered Senate Resolution No. 2747, regarding Debra L. Detring, Farmington, which was adopted.

HOUSE BILLS ON THIRD READING

HCS for **HB 1550**, entitled:

An Act to repeal sections 167.031, 211.021, 211.033, 211.034, 211.041, 211.061, 211.071, 211.091, 211.101, and 211.161, RSMo, and to enact in lieu thereof eleven new sections relating to juvenile courts, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Dempsey.

Senator Dempsey offered **SS** for **HCS** for **HB 1550**, entitled:

SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1550

An Act to repeal sections 167.031, 211.021, 211.033, 211.034, 211.041, 211.061, 211.071, 211.091,

211.101, and 478.466, RSMo, and to enact in lieu thereof eleven new sections relating to courts, with penalty provisions and a contingent effective date for certain sections.

Senator Dempsey moved that **SS** for **HCS** for **HB 1550** be adopted.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 1550, Page 19, Section 478.466, Line 22, by inserting after all of said line the following:

“559.600. In cases where the board of probation and parole is not required under section 217.750, RSMo, to provide probation supervision and rehabilitation services for misdemeanor offenders, the circuit and associate circuit judges in a circuit may contract with one or more private entities **or other court-approved entity** to provide such services. The court-approved [private] entity, **including private or other entities**, shall act as a misdemeanor probation office in that circuit and shall, pursuant to the terms of the contract, supervise persons placed on probation by the judges for class A, B, and C misdemeanor offenses, specifically including persons placed on probation for violations of section 577.023, RSMo. Nothing in sections 559.600 to 559.615 shall be construed to prohibit the board of probation and parole, or the court, from supervising misdemeanor offenders in a circuit where the judges have entered into a contract with a [private] probation entity.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Graham offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 1550, Page 18, Section 211.101, Line 15, by inserting immediately after said line the following:

“221.515. **1.** Any person designated a jailer under the provisions of this chapter shall have the power to serve [an arrest warrant] **civil process and arrest warrants** on any person who **surrenders himself or herself to the facility under an arrest warrant or** is already an inmate in the custody of the facility in or at which such jailer is employed.

2. Under the rules and regulations of the sheriff, employees designated as jailers may carry firearms when necessary for the proper discharge of their duties as jailers in this state under the provisions of this chapter.

3. Such persons authorized to act by the sheriff as jailers under the rules and regulations of the sheriff shall have the same power as granted any other law enforcement officers in this state to arrest escaped prisoners and apprehend all persons who may be aiding and abetting such escape while in the custody of the sheriff in accordance with state law.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey moved that **SS** for **HCS** for **HB 1550**, as amended, be adopted, which motion prevailed.

On motion of Senator Dempsey, **HCS** for **HB 1550**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Shields moved that **HCS** for **HB 1790** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Shields offered **SS** for **HCS** for **HB 1790**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1790

An Act to repeal sections 190.100, 190.176, 190.200, 190.241, 190.243, and 190.245, RSMo, and to enact in lieu thereof six new sections relating to the time critical diagnosis system.

Senator Shields moved that **SS** for **HCS** for **HB 1790** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 1790, Page 1, Section A, Line 5 of said page, by inserting after all of said line the following:

“96.160. 1. Each facility established or operated and maintained under the provisions of sections 96.150 to 96.228 shall be governed by a board of trustees who shall serve without compensation. Each such board of trustees shall consist of five trustees, who shall be citizens of the city, unless the council shall provide by ordinance for a larger board of not more than fifteen trustees. Trustees shall be appointed by the mayor with the approval of the council and shall be chosen with reference to their fitness for such position; provided no member of the city council and no member of the immediate family of a member of the city

council shall be a member of the board.

2. An ordinance providing for a larger board of trustees [shall require that three-fifths of such trustees shall be citizens of the city and] may provide that **some or all of** the [remaining] trustees need not be citizens of the city, but shall be citizens of the state of Missouri.

3. Any city establishing or maintaining and operating more than one health care facility may provide by ordinance that one board of trustees shall manage and operate two or more health care facilities.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **HCS** for **HB 1790**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **HCS** for **HB 1790**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HBs 1788** and **1882** was placed on the Informal Calendar.

HCS for **HB 1314**, with **SCS**, was placed on the Informal Calendar.

HCS for **HBs 2062** and **1518**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1883**, with **SCS**, entitled:

An Act to repeal section 320.336, RSMo, and to enact in lieu thereof one new section relating to employee job protection.

Was taken up by Senator Loudon.

SCS for **HCS** for **HB 1883**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1883

An Act to repeal sections 287.020, 287.200, 287.230, 290.505, and 320.336, RSMo, and to enact in lieu thereof seven new sections relating to employment, with penalty provisions and an emergency clause for certain sections.

Was taken up.

Senator Loudon moved that **SCS** for **HCS** for **HB 1883** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **HCS** for **HB 1883** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 2191, with **SCS**, introduced by Representative Nasheed, et al, entitled:

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to the A+ schools program.

Was called from the Informal Calendar and taken up by Senator Coleman.

SCS for **HB 2191**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2191

An Act to repeal sections 160.545 and 173.258, RSMo, and to enact in lieu thereof two new sections relating to higher education scholarships.

Was taken up.

Senator Coleman moved that **SCS** for **HB 2191** be adopted.

Senator Coleman offered **SS** for **SCS** for **HB 2191**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2191

An Act to repeal sections 160.545, 173.256, and 173.258, RSMo, and to enact in lieu thereof three new sections relating to higher education scholarships.

Senator Coleman moved that **SS** for **SCS** for **HB 2191** be adopted, which motion prevailed.

On motion of Senator Coleman, **SS** for **SCS** for **HB 2191** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

On motion of Senator Shields, the Senate recessed until 8:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Rupp.

CONFERENCE COMMITTEE REPORTS

Senator Gibbons, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 711**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 711

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, with House Amendment Nos. 1 and 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment Nos. 4 and 5, House Amendment No. 2 to House Amendment No. 6, House Amendment No. 6, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, as amended;
2. The Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 711;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Michael R. Gibbons
/s/ Carl M. Vogel
/s/ John E. Griesheimer
/s/ Harry Kennedy
/s/ Victor E. Callahan

FOR THE HOUSE:

/s/ Michael Sutherland
/s/ Rick Stream
/s/ Dr. Charles R. Portwood
/s/ Michael Talboy
/s/ Clint Zweifel

Senator Gibbons moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
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Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Gibbons, **CCS** for **HCS** for **SS** for **SCS** for **SB 711**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 711

An Act to repeal sections 52.240, 67.110, 135.010, 135.025, 135.030, 137.016, 137.055, 137.073, 137.082, 137.092, 137.106, 137.115, 137.122, 137.180, 137.245, 137.275, 137.335, 137.355, 137.375, 137.390, 137.490, 137.510, 137.515, 137.720, 137.721, 137.1018, 138.010, 138.050, 138.090, 138.100, 138.110, 138.120, 138.170, 138.180, 138.380, 138.390, 138.395, 138.400, 138.430, 139.031, 163.044, and 164.151, RSMo, and to enact in lieu thereof forty-four new sections relating to property taxation, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 1288**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 1288**, as amended. Representatives: Cooper (120), May, Cox, Frame and Low (39).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SBs 930** and **947**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SBs 930** and **947**, as amended. Representatives: St. Onge, Hobbs, Quinn (7), Fallert and Quinn (9).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 720**, as amended, and grants the Senate a conference thereon, and the conferees to exceed the differences in Section 393.275, Section 393.171 and the court imposition of certain damages.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 720**, as amended. Representatives: Smith (150), Schoeller, Emery, Skaggs and Walsh.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1168**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 1039**, entitled:

An Act to repeal sections 190.094 and 190.335, RSMo, and to enact in lieu thereof two new sections

relating to emergency services.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 951**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 991**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SBs 753, 728, 906 and 1026**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto four new sections relating to the designation of memorial highways.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 720**, as amended: Senators Engler, Dempsey, Lager, Coleman and Barnitz.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 1288**, as amended: Senators Shields, Gibbons, Goodman, Coleman and Kennedy.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SBs 930 and 947**, as amended: Senators Stouffer, Rupp, Scott, Kennedy and Shoemyer.

HOUSE BILLS ON THIRD READING

Senator Callahan moved that **HB 2081**, with **SCS**, **SS** for **SCS** and **SA 9** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 9 was again taken up.

Senator Loudon offered **SSA 1** for **SA 9**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2081, Page 8, Section 194.119, Line 1 of said page, by inserting immediately after said line the following:

“324.1230. As used in sections 324.1230 to 324.1245, the following terms shall mean:

- (1) “Antepartum”, before birth;**
- (2) “Board”, the board of professional midwives;**
- (3) “Client”, a person who retains the services of a professional midwife;**
- (4) “Division”, the division of professional registration;**
- (5) “Intrapartum”, during birth;**
- (6) “Postpartum”, after birth;**

(7) “Practice of professional midwifery”, the science and art of examination, evaluation, assessment, counseling, and treatment of women and infants by a professional midwife in the antepartum, intrapartum, and postpartum period by those methods commonly taught in any midwifery school, or midwifery program in a university or college which has been accredited by the Midwifery Education Accreditation Council, its successor entity or approved by the board; including identifying and referring women who require obstetrical or other professional care. It shall not include the use of operative surgery, nor the prescribing of drugs. The practice of professional midwifery is not the practice of medicine or osteopathy within the meaning of chapter 334, RSMo, and not subject to the provisions of the chapter. The practice of professional midwifery is not the practice of nurse-midwifery or nursing within the meaning of chapter 335, RSMo, and not subject to the provisions of the chapter;

(8) “Professional midwife”, any person who is certified by the North American Registry of Midwives (NARM) as a certified professional midwife (CPM) and provides for compensation those skills relevant to the care of women and infants in the antepartum, intrapartum, and postpartum period.

324.1231. 1. There is hereby created and established within the division of professional registration a “Board of Professional Midwives” which consists of five members appointed by the governor with the advice and consent of the senate. Each member shall be a United States citizen and a resident of this state for at least one year immediately preceding their appointment. Of these five members, one member shall be a public member, four members shall be licensed professional midwives who attend births in homes or other out-of-hospital settings, provided that the first midwife members appointed need not be licensed at the time of appointment if they are actively working toward licensure under the provisions of sections 324.1230 to 324.1245.

2. The initial appointments to the board shall be one member for a term of one year, one member for a term of two years, one member for a term of three years, one member for a term of four years, and one member for a term of five years. After the initial terms, each member shall serve a five-year term. No member of the board shall serve more than two consecutive five-year terms. All successor members shall be appointed for five-year terms. All members shall serve until their successors have been appointed and qualified. Vacancies occurring in the membership of the board for any reason shall be filled by appointment by the governor for the unexpired term.

3. The public member shall not be, nor have previously been, a member of any profession regulated by chapter 334 or 335, RSMo, or under sections 324.1230 to 324.1245, or the spouse or immediate family member of such person. The public member is subject to the provisions of section

620.132, RSMo.

4. The board may sue and be sued in its own name and its members need not be named parties. Members of the board shall not be personally liable, either jointly or severally, for any act or acts committed in the performance of their official duties as board members. No board member shall be personally liable for any court costs which accrue in any action by or against the board.

5. Notwithstanding any other provision of law to the contrary, any appointed member of the board shall receive as compensation an amount established by the director of the division not to exceed seventy dollars per day for board business plus actual and necessary expenses.

6. The division shall employ administrative and clerical personnel necessary to enforce the provisions of sections 324.1230 to 324.1245.

7. The board shall hold an annual meeting at which time it shall elect from its membership a chairperson and a vice chairperson. The board may hold such additional meetings as may be required in the performance of its duties. A quorum of the board shall consist of a majority of its members.

8. Pursuant to section 620.106, RSMo, no new licensing activity or other statutory requirements shall become effective until expenditures or personnel are specifically appropriated for the purpose of conducting the business as required to administer the provisions of sections 324.1230 to 324.1245 and the initial rules filed have become effective.

324.1233. 1. Applications for licensure as a professional midwife shall be in writing, submitted to the board on forms prescribed by the board, and furnished to the applicant. Each application shall contain a statement that it is made under oath or affirmation that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the board.

2. Each applicant for licensure shall:

(1) Present evidence of current certification by the North American Registry of Midwives as a certified professional midwife;

(2) Present evidence of current certification in basic life support for healthcare providers, and either infant cardiopulmonary resuscitation or neonatal resuscitation; and

(3) Comply with the written disclosure requirement under subsection 1 of section 324.1239.

3. The division shall mail a renewal notice to the last known address of each licensee prior to the renewal date. Failure to provide the board with the information required for renewal, or to pay the renewal fee after such notice, shall result in the license expiring. The license shall be reinstated if, within two years of the renewal date, the applicant submits the required documentation and pays the applicable fees as approved by the board.

4. Each license issued pursuant to the provisions of this section shall expire three years after the date of its issuance. Each applicant for renewal shall submit:

(1) Evidence of attendance at a minimum of ten hours per year of continuing education in midwifery or related fields;

(2) Evidence of attendance at a minimum of three hours per year of peer review;

(3) Evidence of current certification in basic life support for healthcare providers, and either infant cardiopulmonary resuscitation or neonatal resuscitation; and

(4) The renewal fee set by the board.

5. The board may refuse to issue or renew any certificate of registration or authority, permit, or license required pursuant to this chapter for one or any combination of causes stated in subsection 6 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo. As an alternative to a refusal to issue or renew any certificate, registration, or authority, the board may, at its discretion, issue a license which is subject to probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 6 of this section. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefore, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

6. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit, or license required by this chapter, or any person who has failed to renew or has surrendered the person's certificate or registration or authority, permit, or license for any one or any combination of the following causes:

(1) Engaging in conduct detrimental to the health or safety of either the mother or infant, or both, as determined by the board;

(2) Having an unpaid judgment resulting from providing professional midwifery services;

(3) Procuring or attempting to procure a license under sections 324.1230 to 324.1245 by making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for licensure, or through any form of fraud or misrepresentation;

(4) Failing to meet the minimum qualifications for licensure or renewal established under sections 324.1230 to 324.1245;

(5) Paying money or other valuable consideration, other than as provided for under sections 324.1230 to 324.1245, to any member or employee of the board to procure a license under sections 324.1230 to 324.1245;

(6) Incompetency, misconduct, negligence, dishonesty, fraud, or misrepresentation in the performance of the functions or duties of professional midwives as prescribed under sections 324.1230 to 324.1245;

(7) Violating, assisting, or enabling any person to willfully disregard any of the provisions of sections 324.1230 to 324.1245, or the rules of the board for the administration and enforcement of the

provisions of sections 324.1230 to 324.1245;

(8) Violating any term or condition of a license issued by the board under the authority of sections 324.1230 to 324.1245;

(9) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(10) Assisting or enabling a person to practice or offer to practice any profession licensed or regulated by sections 324.1230 to 324.1245 who is not licensed and currently eligible to practice under sections 324.1230 to 324.1245; or

(11) Using any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

7. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds provided in subsection 6 of this section for disciplinary action are met, the board may, singly or in combination, warn, censure, or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate, or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or restrict or limit the person's license, certificate, or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling, or treatment of physicians designated by the board at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may direct.

8. The division may promulgate rules as necessary in accordance with the provisions of chapter 536, RSMo, to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

324.1235. 1. The board shall promulgate rules as necessary in accordance with the provisions of chapter 536, RSMo, to establish:

(1) An application process and administrative procedures for processing applications and issuing professional midwife licenses and for conducting disciplinary proceedings under the provisions of sections 324.1230 to 324.1245;

(2) Practice guidelines consistent with standards regarding the practice of midwifery established by the North American Registry of Midwives and the National Association of Certified Professional Midwives, or a successor organization whose essential documents include without limitation subject matter concerning scope of practice, standards of practice, informed consent, appropriate

consultation, collaboration or referral, including the development of collaborative relationships with other healthcare practitioners who can provide care outside the scope of midwifery practice when necessary; and

(3) Reasonable rules as deemed necessary by the board to carry out and enforce the provisions of sections 324.1230 to 324.1245.

2. The board shall:

(1) Investigate to verify such applicant's qualifications. If the results of the investigation are satisfactory to the board and the applicant is otherwise qualified, the board shall issue to the applicant a license authorizing the applicant to act as a professional midwife in Missouri;

(2) Set the amount of fees authorized by sections 324.1230 to 324.1245 and required by rules promulgated under section 536.021, RSMo. The fees shall be set at a level to produce revenue that does not substantially exceed the cost and expense of administering sections 324.1230 to 324.1245;

(3) Perform such other functions and duties as necessary to carry out the provisions of sections 324.1230 to 324.1245;

(4) Provide a form for use in the event of transfer to emergency care detailing for the mother:

- (a) Name, age, and birth date;
- (b) Parity;
- (c) Estimated delivery date;
- (d) Results of routine blood tests;
- (e) Results of any lab tests;
- (f) Reason for transfer of care; and
- (g) Vital signs;

(5) Provide a form for use in the event of transfer to emergency care detailing for the baby:

- (a) Name of the mother and the baby;
- (b) Sex of the baby;
- (c) Estimated gestational age;
- (d) Vital signs;
- (e) APGAR scores; and
- (f) Reason for transfer of care.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

324.1237. There is hereby established in the treasury a fund to be known as the “Board of Professional Midwives Fund” which shall consist of all gifts, donations, transfers, and moneys appropriated by the general assembly. All funds received by the board pursuant to the provisions of sections 324.1230 to 324.1245 shall be collected by the director of the department who shall transmit the funds to the department of revenue for deposit in the state treasury to the credit of the board of professional midwives fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys in the fund shall not be transferred and placed to the credit of the general revenue fund until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the fund for the preceding fiscal year.

324.1239. 1. Every licensed professional midwife shall present a written disclosure statement to each client, which shall be signed by the client and kept with the client's records, and which shall include but not be limited to, the following:

- (1) A description of professional midwifery education and related training;
- (2) Licensure as a professional midwife, including the effective dates of the licensure;
- (3) The benefits and risks associated with childbirth in the setting selected by the client;
- (4) A statement concerning the licensed professional midwife's collaborative arrangements with other healthcare professionals, including licensed physicians;
- (5) A statement concerning the licensed professional midwife's malpractice or liability insurance coverage; and
- (6) A written plan, specific to the client, for obtaining medical care, when necessary, which shall include:
 - (a) The name and phone number of the hospital or other healthcare facility to which transfer is preferred should emergency care become necessary; and
 - (b) The plan, protocol, or standing order for fulfilling maternal screening tests and laboratory work required by state statute.

2. Licensed professional midwives shall carry medical malpractice insurance in the amount of at least one million dollars.

324.1240. 1. Nothing in sections 324.1230 to 324.1245 shall be construed to apply to a person who provides information and support in preparation for labor and delivery and assists in the delivery of an infant if that person does not do the following:

- (1) Advertise as a midwife or as a provider of midwife services;
- (2) Accept compensation for midwife services; and
- (3) Use any words, letters, signs, or figures to indicate that the person is a midwife.

2. Nothing in sections 324.1230 to 324.1245 shall be construed to prohibit the attendance at birth of the mother's choice of family, friends, or other uncompensated labor support attendants.

324.1241. 1. Any hospital, physician, nurse, emergency services personnel, or any other licensed health care professional who renders emergency care, treatment, or assistance to any person or persons, when the need of such care, treatment, or assistance arises from care provided by a licensed

professional midwife, shall not be held liable for any civil damages except for acts of negligence or those occasioned by willful and wanton acts by such person in rendering such emergency care, treatment, or assistance.

2. A licensed health care provider or facility shall not be disciplined for assisting, enabling, aiding, procuring, advising, or encouraging any person licensed to practice professional midwifery who is practicing within the confines of sections 324.1230 to 324.1245.

324.1242. 1. When a birth or stillbirth occurs without a physician in attendance at or immediately after the birth or stillbirth, but with a licensed professional midwife in attendance at or immediately after the birth, it shall be the responsibility of the licensed professional midwife to prepare and file the certificate of birth as required by section 193.085, RSMo, and the reports required under section 193.165, RSMo, and section 210.050, RSMo.

2. Licensed professional midwives shall follow the newborn screening requirements for health care providers with respect to infants born in this state as described under subsections 1, 2, and 5 of section 191.331, RSMo.

3. Licensed professional midwives shall be required to retain patient records for a period of six years and keep such records confidential consistent with the provisions of the federal Health Insurance Portability and Accountability Act, as amended.

324.1243. No licensed professional midwife shall be permitted to:

- (1) Prescribe drugs;
- (2) Perform medical inductions or cesarean sections during the delivery of an infant;
- (3) Use forceps during the delivery of an infant;
- (4) Perform vacuum delivery of an infant;
- (5) Perform an abortion as defined in chapter 188, RSMo; or
- (6) Administer prescription drugs, with exceptions limited to:
 - (a) Neonatal use of prophylactic ophthalmic medications as required in section 210.070, RSMo, vitamin K, and oxygen; and
 - (b) Maternal use of Rho (D) immune globulin, oxygen, local anesthetic, and oxytocin and methylergonovine maleate as postpartum antihemorrhagics.

324.1244. 1. Notwithstanding any other provision of law, a licensed professional midwife providing a service of professional midwifery shall not be deemed to be engaged in the practice of medicine, nursing, nurse-midwifery, or any other medical or healing practice.

2. The provisions of sections 324.1230 to 324.1245 shall be remedial and curative in nature.

324.1245. Any person who violates the provisions of sections 324.1230 to 324.1245, or any rule or order promulgated under authority granted by sections 324.1230 to 324.1245 is guilty of a class A misdemeanor.”; and

Further amend said bill, page 9, section 333.011, line 6 of said page, by inserting immediately after said line the following:

“334.010. 1. It shall be unlawful for any person not now a registered physician within the meaning of

the law to practice medicine or surgery in any of its departments, to engage in the practice of medicine across state lines or to profess to cure and attempt to treat the sick and others afflicted with bodily or mental infirmities, [or engage in the practice of midwifery] in this state, except as herein provided. **The practice of professional midwifery is not the practice of medicine or osteopathy within the meaning of chapter 334, RSMo, and not subject to the provisions of the chapter.**

2. For the purposes of this chapter, the “practice of medicine across state lines” shall mean:

(1) The rendering of a written or otherwise documented medical opinion concerning the diagnosis or treatment of a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent; or

(2) The rendering of treatment to a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent.

3. A physician located outside of this state shall not be required to obtain a license when:

(1) In consultation with a physician licensed to practice medicine in this state; and

(2) The physician licensed in this state retains ultimate authority and responsibility for the diagnosis or diagnoses and treatment in the care of the patient located within this state; or

(3) Evaluating a patient or rendering an oral, written or otherwise documented medical opinion, or when providing testimony or records for the purpose of any civil or criminal action before any judicial or administrative proceeding of this state or other forum in this state; or

(4) Participating in a utilization review pursuant to section 376.1350, RSMo.

334.120. 1. There is hereby created and established a board to be known as “The State Board of Registration for the Healing Arts” for the purpose of registering, licensing and supervising all physicians and surgeons[, and midwives] in this state. **The purpose of the board shall not include registering, licensing, or supervising of professional midwives.** The board shall consist of nine members, including one voting public member, to be appointed by the governor by and with the advice and consent of the senate, at least five of whom shall be graduates of professional schools accredited by the Liaison Committee on Medical Education or recognized by the Educational Commission for Foreign Medical Graduates, and at least two of whom shall be graduates of professional schools approved and accredited as reputable by the American Osteopathic Association, and all of whom, except the public member, shall be duly licensed and registered as physicians and surgeons pursuant to the laws of this state. Each member must be a citizen of the United States and must have been a resident of this state for a period of at least one year next preceding his or her appointment and shall have been actively engaged in the lawful and ethical practice of the profession of physician and surgeon for at least five years next preceding his or her appointment. Not more than four members shall be affiliated with the same political party. All members shall be appointed for a term of four years. Each member of the board shall receive as compensation an amount set by the board not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be entitled to reimbursement of his or her expenses necessarily incurred in the discharge of his or her official duties. The president of the Missouri State Medical Association, for all medical physician appointments, or the president of the Missouri Association of Osteopathic Physicians and Surgeons, for all osteopathic physician appointments, in office at the time shall, at least ninety days prior to the expiration of the term of the respective board member,

other than the public member, or as soon as feasible after the appropriate vacancy on the board otherwise occurs, submit to the director of the division of professional registration a list of five physicians and surgeons qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri State Medical Association or the Missouri Association of Osteopathic Physicians and Surgeons, as appropriate, shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

2. The public member shall be at the time of his or her appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.”; and

Further amend said bill, page 70, section 376.811, line 5 of said page, by inserting immediately after said line the following:

“383.010. 1. Notwithstanding any direct or implied prohibitions in chapter 375, 377, or 379, RSMo, any three or more persons, residents of this state, being licensed under the provisions of chapter 330, 331, 332, 334, 335, 336, 338 or 339, RSMo, or under rule 8 of the supreme court of Missouri, **or professional midwives licensed under sections 324.1230 to 324.1245, RSMo**, or architects licensed pursuant to chapter 327, RSMo, may, as provided in sections 383.010 to 383.040, form a business entity for the purpose of providing malpractice insurance or indemnification for such persons upon the assessment plan, and upon compliance with section 379.260, RSMo, liability and automobile insurance as defined in subdivisions (1) and (3) of section 379.230, RSMo, may be provided upon the assessment plan to those persons licensed pursuant to chapter 197, RSMo, and for whom medical malpractice insurance is provided under this section, except that automobile insurance shall be provided only for ambulances as defined in section 190.100, RSMo. Any entity licensed under chapter 197, RSMo, professional corporations, and limited liability companies, corporations, limited liability partnerships, partnerships, and other similar entities formed for the practice of law or medicine may also become members of any such entity. The term “persons” as used in sections 383.010 to 383.040 includes such hospitals, professional corporations and real estate business entities.

2. Anything in this section to the contrary notwithstanding, any persons duly licensed under the provisions of the laws of any other state who, if licensed under any similar provisions of the laws of this state, would be eligible to become members and insureds of an entity created under the authority of this section may become members and insureds of such an entity, irrespective of whether such persons are residents of this state; provided, however, that any such persons must be employed by, or be a partner, shareholder or member of, a professional corporation, corporation, copartnership or association insured by or to be insured by such an entity.

3. Notwithstanding any provision of law which might be construed to the contrary, sections 379.882

and 379.888, RSMo, defining commercial casualty insurance, shall not include professional malpractice insurance policies issued by any insurer in this state.”; and

Further amend said bill, page 71, section 194.233, line 8, by inserting immediately after said line the following:

“[334.260. On August 29, 1959, all persons licensed under the provisions of chapter 334, RSMo 1949, as midwives shall be deemed to be licensed as midwives under this chapter and subject to all the provisions of this chapter.]

[376.1753. Notwithstanding any law to the contrary, any person who holds current ministerial or tocological certification by an organization accredited by the National Organization for Competency Assurance (NOCA) may provide services as defined in 42 U.S.C. 1396 r-6(b)(4)(E)(ii)(I).]

Section B. Because of the need to provide clarity on the issue of the practice of midwifery, the enactment of sections 324.1230, 324.1231, 324.1233, 324.1235, 324.1237, 324.1239, 324.1240, 324.1241, 324.1242, 324.1243, 324.1244, and 324. 1245, and the repeal and reenactment of sections 334.010, 334.120, 334.260, and 376.1753 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and enactment of sections 324.1230, 324.1231, 324.1233, 324.1235, 324.1237, 324.1239, 324.1240, 324.1241, 324.1242, 324.1243, 324.1244, and 324. 1245, and the repeal and reenactment of sections 334.010, 334.120, 334.260, and 376.1753 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above substitute amendment be adopted, which motion prevailed.

Senator Callahan moved that **SS** for **SCS** for **HB 2081**, as amended, be adopted, which motion prevailed.

Senator Callahan moved that **SS** for **SCS** for **HB 2081**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Gibbons referred **SS** for **SCS** for **HB 2081**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

PRIVILEGED MOTIONS

Senator Mayer moved that **SCS** for **SBs 1034** and **802**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SBs 1034** and **802**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1034 and 802

An Act to repeal section 407.300, RSMo, and to enact in lieu thereof five new sections relating to scrap metal, with penalty provisions and an emergency clause.

Was taken up.

Senator Mayer moved that **HCS** for **SCS** for **SBs 1034** and **802** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **HCS** for **SCS** for **SBs 1034** and **802**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Coleman moved that the Senate conferees be allowed to exceed the differences on **HCS** for **SCS** for **SB 720**, as amended, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 1832, with **SCS**, introduced by Representative Cooper (120) et al, entitled:

An Act to amend chapter 64, RSMo, by adding thereto fifteen new sections relating to the Missouri county planning act, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Griesheimer.

SCS for **HB 1832**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1832

An Act to amend chapter 64, RSMo, by adding thereto fifteen new sections relating to the Missouri county planning act, with penalty provisions.

Was taken up.

Senator Griesheimer moved that **SCS** for **HB 1832** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **HB 1832**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1832

An Act to repeal section 72.080, RSMo, and to enact in lieu thereof sixteen new sections relating to a county's governing authority over areas within its territorial boundaries, with penalty provisions and an emergency clause for a certain section.

Senator Griesheimer moved that **SS** for **SCS** for **HB 1832** be adopted.

Senator Stouffer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1832, Pages 1-2, Section 64.1000, by striking said section from the bill; and

Further amend said bill, Pages 2 and 3, Section 64.1003, by striking said section from the bill; and
Further amend said bill, Pages 3 to 5, Section 64.1006, by striking said section from the bill; and
Further amend said bill, Pages 5 to 12, Section 64.1009, by striking said section from the bill; and
Further amend said bill, Pages 12 to 14, Section 64.1012, by striking said section from the bill; and
Further amend said bill, Pages 14 to 16, Section 64.1015, by striking said section from the bill; and
Further amend said bill, Pages 16 and 17, Section 64.1018, by striking said section from the bill; and
Further amend said bill, Page 17, Section 64.1021, by striking said section from the bill; and
Further amend said bill, Pages 17 to 21, Section 64.1024, by striking said section from the bill; and
Further amend said bill, Pages 21 to 24, Section 64.1027, by striking said section from the bill; and
Further amend said bill, Pages 24 to 27, Section 64.1030, by striking said section from the bill; and
Further amend said bill, Pages 27 to 29, Section 64.1033, by striking said section from the bill; and
Further amend said bill, Page 29, Section 64.1036, by striking said section from the bill; and

Further amend said bill, Pages 29 to 30, Section 64.1039, by striking said section from the bill; and

Further amend said bill, Page 30, Section 64.1042, by striking said section from the bill; and inserting in lieu thereof the following:

“64.008. 1. There is established a joint committee of the general assembly to be known as the “Joint Committee on County Planning and Zoning” to be composed of five members of the senate and five members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired. No party shall be represented by more than three members from the house of representatives or three members from the senate. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.

2. The joint committee shall:

(1) Make a comprehensive study and analysis of the impact of county planning and zoning regulations;

(2) Determine from its study and analysis the need for changes in statutory law;

(3) Make any other recommendations to the general assembly relating to its findings.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives.

4. The committee may meet at locations other than Jefferson City when the committee deems it necessary.

5. The committee shall be staffed by legislative personnel as is deemed necessary to assist the committee in the performance of its duties.

6. The members of the committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

7. It shall be the duty of the committee to compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than December 31, 2008, and shall include any recommendations which the committee may have for legislative action.

8. The provisions of this section shall expire on December 31, 2008.”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted.

Senator Ridgeway offered **SA 1 to SA 1**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1**

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill

No. 1832, Page 3, Section 64.008, Line 9, by striking the word “may” and inserting in lieu thereof the following: “**shall**”; and

further amend said page, line 10, by inserting after the word “city” the following: “**and may meet in Jefferson City**”.

Senator Ridgeway moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Griesheimer, Koster and Loudon.

SA 1 to SA 1 failed of adoption by the following vote:

YEAS—Senators

Callahan	Coleman	Crowell	Days	Kennedy	Koster	McKenna	Ridgeway
Shoemyer	Smith—10						

NAYS—Senators

Barnitz	Bartle	Bray	Champion	Clemens	Dempsey	Engler	Gibbons
Goodman	Graham	Griesheimer	Justus	Lager	Loudon	Mayer	Nodler
Purgason	Rupp	Scott	Shields	Stouffer	Vogel	Wilson—23	

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

SA 1 was again taken up.

Senator Stouffer moved that the above amendment be adopted.

Senator Callahan requested a roll call vote be taken on the adoption of **SA 1**. He was joined in his request by Senators Days, Koster, Ridgeway and Smith.

SA 1 was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Champion	Clemens	Crowell	Engler	Gibbons	Goodman
Graham	Koster	Lager	Loudon	Mayer	Purgason	Scott	Shields
Stouffer	Vogel—18						

NAYS—Senators

Bray	Callahan	Coleman	Days	Dempsey	Griesheimer	Justus	Kennedy
McKenna	Nodler	Ridgeway	Rupp	Shoemyer	Smith	Wilson—15	

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

Senator Scott offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1832, Page 1, Line 5 of said page, by inserting immediately after said line the following:

“49.705. In any county of the third classification without a township form of government and with more than nine thousand six hundred fifty but fewer than nine thousand seven hundred fifty inhabitants, any person or entity, holding an outdoor concert, shall be required to receive approval from the county commission prior to holding such outdoor concert. Any person or entity that violates this section by holding an outdoor concert without prior approval from the county commission shall be assessed a civil fine of up to five thousand dollars. Such violation shall be prosecuted by the prosecuting attorney in the circuit court of the county where the violation occurred.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1832, Page 34, Section 72.080, Line 27, by inserting immediately after said line the following:

“182.820. Any county or municipal public library receiving state funds shall certify to the secretary of state that it is in compliance with, and eligible to receive funding under, the federal Children's Internet Protection Act, 17 U.S.C. Section 1701, et seq., as amended, prior to receiving such state funds.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Goodman raised the point of order that **SA 3** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Shoemyer offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1832, Page 34, Section 72.080, Line 27, by inserting immediately after said line the following:

“Section 1. 1. In addition to other levies authorized by law, the county commission in counties not adopting an alternative form of government and the proper administrative body in counties adopting an alternative form of government, or the governing body of any city, town, or village, in their discretion may levy an additional tax, not to exceed one quarter of one cent on each one hundred dollars assessed valuation, on all taxable real property located within such city, town, village, or county, all of such tax to be collected and allocated to the city, town, village, or county treasury, where it shall be known and designated as “The Cemetery Maintenance Trust Fund” to be used for the upkeep and maintenance of cemeteries located within such city, town, village, or county.

2. To the extent necessary to comply with article X, section 22(a) of the Missouri Constitution,

for any city, town, village, or county with a tax levy at or above the limitations provided under article X, section 11(b), no ordinance adopted under this section shall become effective unless the county commission or proper administrative body of the county, or governing body of the city, town, or village submits to the voters of the city, town, village, or county at a state general, primary, or special election a proposal to authorize the imposition of a tax under this section. The tax authorized under this section shall be levied and collected in the same manner as other real property taxes are levied and collected within the city, town, village, or county. Such tax shall be in addition to all other taxes imposed on real property, and shall be stated separately from all other charges and taxes. Such tax shall not become effective unless the county commission or proper administrative body of the county or governing body of the city, town, or village, by order or ordinance, submits to the voters of the county a proposal to authorize the city, town, village, or county to impose a tax under this section on any day available for such city, town, village, or county to hold elections or at a special election called for that purpose.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

“Shall (insert the name of the city, town, village, or county) impose a tax on all real property situated in (name of the city, town, village, or county) at a rate of one quarter of one cent per one hundred dollars assessed valuation percent for the sole purpose of providing funds for the maintenance, upkeep, and preservation of city, town, village, or county cemeteries?”

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following notification to the city, town, village, or county collector. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

4. The tax imposed under this section shall be known as the “Cemetery Maintenance Tax”. Each city, town, village, or county imposing a tax under this section shall establish separate trust funds to be known as the “Cemetery Maintenance Trust Fund”. The city, town, village, or county treasurer shall deposit the revenue derived from the tax imposed under this section for cemetery purposes in the city, town, village, or county cemetery maintenance trust fund. The proceeds of such tax shall be appropriated by the county commission or appropriate administrative body, or the governing body of the city, town, or village exclusively for the maintenance, upkeep, and preservation of cemeteries located within the county.

5. All applicable provisions in this chapter relating to property tax shall apply to the collection of any tax imposed under this section.”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted.

Senator Engler raised the point of order that SA 4 is out of order as it goes beyond the title and subject matter of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Lager offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1832, Page 30, Section 64.1042, Line 13 of said page, by inserting immediately after said line the following:

“67.3000. It shall be lawful for any county of the third classification with a township form of government and with more than eight thousand nine hundred but fewer than nine thousand inhabitants to enter into a contract with any private corporation or corporations, or with any corporation now or hereafter engaged in pumping and delivering water at wholesale for domestic consumption. It shall also be lawful for any such county to acquire, own, and hold, with any private corporation in this state, water mains or interests in water mains through which to procure an adequate supply of water for its inhabitants.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted.

Senator Griesheimer raised the point of order that **SA 5** is out of order as it goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Griesheimer moved that **SS** for **SCS** for **HB 1832**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **HB 1832**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators

Callahan Koster—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Champion	Clemens	Coleman	Crowell	Days
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Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators

Callahan	Koster	Ridgeway—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1716, introduced by Representative Guest, et al, entitled:

An Act to repeal section 302.171, RSMo, and to enact in lieu thereof two new sections relating to noncompliance with the federal REAL ID Act of 2005.

Was called from the Informal Calendar and taken up by Senator Purgason.

At the request of Senator Purgason, **HB 1716** was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 723**, entitled:

An Act to repeal sections 43.060, 43.500, and 590.030, RSMo, and to enact in lieu thereof four new sections relating to educational requirements for certain law enforcement personnel.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 733**, entitled:

An Act to repeal section 650.100, RSMo, and to enact in lieu thereof two new sections relating to crime laboratories.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 797**, entitled:

An Act to repeal sections 115.087, 115.315, and 115.327, RSMo, and to enact in lieu thereof three new sections relating to elections.

With House Perfecting Amendment No. 1.

HOUSE PERFECTING AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 797, Section 115.087, Page 1, Line 4 by deleting from said line the word “**commission**” and inserting in lieu thereof the word “**committee**”; and Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 801**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 896**.

Bill ordered enrolled.

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 936**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 820**, entitled:

An Act to repeal section 48.030, RSMo, and to enact in lieu thereof one new section relating to counties changing classification.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 943**, entitled:

An Act to repeal sections 89.080, 89.090, and 305.410, RSMo, and to enact in lieu thereof three new sections relating to airport zoning.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 956**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **SB 978**, entitled:

An Act to repeal sections 321.015 and 321.200, RSMo, and to enact in lieu thereof three new sections relating to boards overseeing emergency services.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 979**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 980**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 856**, entitled:

An Act to repeal section 301.130, RSMo, and to enact in lieu thereof two new sections relating to license plates.

In which the concurrence of the Senate is respectfully requested.

INTRODUCTIONS OF GUESTS

Senator Clemens introduced to the Senate, Roy Meadows, his daughter, Carmen May and her son, Ryan, Sparta; and Ryan was made an honorary page.

On motion of Senator Shields, the Senate adjourned until 11:00 a.m., Thursday, May 15, 2008.

SENATE CALENDAR

SIXTY-NINTH DAY—THURSDAY, MAY 15, 2008

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)

SB 1099-Graham
SS#2 for SCS for SBs 1021 & 870-Loudon

HOUSE BILLS ON THIRD READING

HCS for HJR 48 (Scott)

HCS for HB 2321, with SCS (Crowell)

HCS for HJR 41, with SCS (Rupp)

HB 1320-Brown (50) (Dempsey)

HCS for HB 1332, with SCS (Goodman)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS

SB 713-Gibbons, with SCS

SB 716-Loudon, et al

SB 717-Kennedy and Shields

SB 729-Griesheimer, with SCS

SB 749-Ridgeway, with SCS

SB 756-Engler and Rupp, with SCS (pending)

SB 776-Justus and Koster, with SCS

SB 809-Stouffer, with SCS, SS for SCS &
SA 1 (pending)SB 811-Stouffer, with SCS, SA 1 & point
of order (pending)

SB 815-Goodman

SB 821-Shoemyer, with SCS (pending)

SBs 840 & 857-Engler, with SCS & SS for
SCS (pending)

SB 861-Shoemyer, with SCS

SB 874-Graham, with SCS

SB 877-Mayer

SB 881-Green

SB 904-Griesheimer, with SCS

SBs 909, 954, 934 & 1003-Engler, with SCS

SB 915-Ridgeway

SB 917-Goodman, et al

SB 929-Green and Callahan, with SCS

SB 957-Goodman

SBs 982, 834 & 819-Purgason, with SCS

SB 990-Champion

SBs 993 & 770-Crowell, with SCS, SS for
SCS, SA 4 & SSA 1 for SA 4 (pending)

SB 996-Crowell, with SCS

SB 997-Crowell

SB 1000-Justus

SB 1007-Loudon, with SA 2 (pending)

SB 1035-Scott, with SCS

SB 1046-Mayer, with SA 1 & SSA 1 for SA 1
(pending)

SB 1052-Rupp

SB 1054-Dempsey, with SCS

SB 1057-Scott, with SCS

SB 1058-Mayer

SB 1067-Ridgeway, et al

SB 1077-Goodman, with SS (pending)

SB 1093-Loudon, et al

SB 1094-Loudon, with SCS

SB 1101-Bray, et al

SB 1103-Gibbons

SB 1138-McKenna, with SCS

SB 1158-Mayer, with SCS

SB 1164-Loudon

SB 1180-Crowell

SB 1183-Bray, with SCS

SB 1194-Goodman

SB 1197-Crowell

SBs 1234 & 1270-Shields, with SCS & SS#2
for SCS (pending)

SB 1240-Dempsey

SB 1244-Barnitz and Purgason

SB 1275-Vogel

SB 1278-Shields

SJR 43-Loudon

HOUSE BILLS ON THIRD READING

HCS for HB 1314, with SCS (Callahan)	HCS for HB 1763, with SS, SA 5 & SA 2
HCS for HBs 1321 & 1695, with SCS (Gibbons)	to SA 5 (pending) (Engler)
HB 1358-Flook, et al (Mayer)	HCS for HBs 1788 & 1882 (Crowell)
HCS for HB 1393 (Ridgeway)	HB 1805-Schaaf, et al (Purgason)
HCS#2 for HB 1423, with SCS (Goodman)	HCS for HBs 1831 & 1472 (Mayer)
HCS#2 for HB 1463, with SCS	HCS for HBs 1876 & 1877, with SCS (Mayer)
HCS for HB 1474, with SCS (Scott)	HCS for HB 1904, with SCS (Goodman)
HCS for HB 1516, with SCS (Goodman)	HB 1923-Jones (117) and Pratt (Barnitz)
HB 1532-Davis, with SCS (Rupp)	HB 1937-Pearce, et al, with SCS (Scott)
HCS for HB 1546 (Purgason)	HB 1973-Franz, with SCS (Engler)
SS for HCS for HBs 1549, 1771, 1395 &	HB 1983-Pratt, with SCS (Goodman)
2366 (Rupp) (In Fiscal Oversight)	HB 1995-Schieffer, et al (Rupp)
HCS for HBs 1595 & 1668 (Mayer)	HCS for HB 2041, with SCS (Scott)
HB 1617-Cunningham (86), et al (Dempsey)	HCS for HBs 2062 & 1518, with SCS (Stouffer)
HCS for HB 1626 (Ridgeway)	HCS for HB 2068 (Scott)
HB 1656-Nance and Cooper (155), with SCS	SS for SCS for HB 2081-Dougherty (Callahan)
(Stouffer)	(In Fiscal Oversight)
HB 1661-LeVota, et al (Ridgeway)	HCS for HB 2104, HB 1574, HB 1706, HCS
HCS for HB 1700, with SCS (Scott)	for HB 1774, HB 2055 & HCS for HB 2056,
HB 1711-Weter, et al, with SCS, SS#2 for	with SCS (Crowell)
SCS & SA 10 (pending) (Clemens)	HB 2226-Muschany (Rupp)
HB 1716-Guest, et al (Purgason)	HCS for HJR 43, with SCS (Gibbons)
HCS for HB 1722, with SCS (Mayer)	HCS for HJR 55 (Crowell)

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)	HB 2213-Kraus, et al (Shields)
HB 1670-Cooper (120) (Dempsey)	HB 1354-Wilson (119), et al (Scott)
HB 1828-Sutherland (Vogel)	HCS for HB 1575 (Vogel)
HB 1410-Flook, et al (Ridgeway)	HB 1952-Loehner, et al (Barnitz)
HCS for HB 1888 (Clemens)	HB 1887-Parson (Scott)
HB 1368-Thomson (Lager)	HCS for HB 2360 (Lager)
HB 1869-Wilson (130), et al (Goodman)	HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin (Ridgeway)	HB 1419-Portwood (Loudon)
HB 2233-Page, et al (Shields)	HB 1791-Cooper (155), et al (Barnitz)

Reported 4/15

HCS for HB 1380 (Goodman)
 HCS for HB 2036 (Stouffer)
 HB 1849-Pratt and Curls (Justus)
 HB 1469-Pratt (Goodman)
 HB 1710-Flook (Ridgeway)

HCS for HB 1783 (Engler)
 HB 1784-Meadows, et al (McKenna)
 HB 1313-Wright, et al (Mayer)
 HCS for HB 1893 (Dempsey)
 HB 1881-Schlottach (Kennedy)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 723-Scott, with HCS
 SB 733-Champion and Gibbons, with HCS
 SCS for SBs 753, 728, 906 & 1026-Mayer,
 with HCS
 SB 797-Bray, with HCS, as amended
 SB 820-Rupp, with HCS

SB 856-Engler, with HCS
 SB 932-Loudon, with HCS, as amended
 SB 943-Clemens, with HCS
 SB 978-Griesheimer, with HCS
 SCS for SB 1039-Clemens, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 711-Gibbons, et al,
 with HCS, as amended
 (Senate adopted CCR and passed CCS)
 SCS for SB 720-Coleman, with HCS, as
 amended
 SB 841-Stouffer, with HCS, as amended
 SCS for SBs 930 & 947-Stouffer, with
 HCS, as amended
 SS for SCS for SB 931-Purgason, with
 HCS, as amended
 (Senate adopted CCR and passed CCS)

SB 1068-Mayer, with HA 1 & HA 3
 SB 1074-Dempsey, with HCS, as amended
 SB 1288-Shields, with HCS, as amended
 HB 2224-Jones (117), with SS for SCS
 (Griesheimer)
 HCS for HB 2279, with SCS, as amended
 (Engler)

Requests to Recede or Grant Conference

SCS for SB 901-Loudon, et al, with
 HSA 1 for HA 1
 (Senate requests House recede and pass bill)

RESOLUTIONS

Reported from Committee

SCR 27-Champion

SCR 32-Purgason

SCR 33-Bray

HCR 7-Pearce, et al (Rupp)

HCR 23-Dixon, et al, with SCA 1 (Loudon)

HCR 4-Wright, et al (Mayer)

HCR 5-Smith, et al

HCR 16-Bivins, et al

HCR 18-Fisher, et al (Scott)

HCR 19-Sander, et al (Rupp)

HCS for HCR 21 (Rupp)

HCR 25-Pratt, et al (Ridgeway)

HCR 26-Dixon, et al (Clemens)

HCR 34-Sutherland

HCR 35-Sutherland

HCS for HCRs 43 & 46 (Rupp)

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Journal of the Senate

SECOND REGULAR SESSION

SIXTY-NINTH DAY—THURSDAY, MAY 15, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The true contemplative is one who has discovered the art of finding leisure even in the midst of his work, by working with such a spirit of detachment and recollection that even his work is a prayer.” (Thomas Merton)

Almighty God, as we face these final two days there is much to do and many bills we are not familiar with and long hours to sit and listen and debates to enter in and decisions to be made. May we discover the art of finding leisure in the midst of it that our souls may be at rest, our bodies calm and our heart at peace as we seek to be at peace with those we serve with here. May our faith have confidence that we will please You as we follow the path You lead us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 2748, regarding Emily Kiddoo and Emily Wright, which was adopted.

Senator Lager offered Senate Resolution No. 2749, regarding Caleb Spire, Ravenwood, which was adopted.

Senator Shields offered Senate Resolution No. 2750, regarding Tom Brandt, Overland Park, Kansas, which was adopted.

Senator Shields offered Senate Resolution No. 2751, regarding Natalie Bailey, Sedalia, which was adopted.

Senator Bartle offered Senate Resolution No. 2752, regarding Marissa Walsh, which was adopted.

Senator Barnitz offered Senate Resolution No. 2753, regarding Omar “Lee” Herndon, Linn, which was adopted.

Senator Barnitz offered Senate Resolution No. 2754, regarding the Eightieth Birthday of Margaret Viessman, Vienna, which was adopted.

Senator Barnitz offered Senate Resolution No. 2755, regarding the Ninety-fifth Birthday of Dr. John B. Morgan, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 2756, regarding Army Specialist Thomas James Herrera, Saint Robert, which was adopted.

Senators Shoemyer and Coleman offered Senate Resolution No. 2757, regarding Colleen Coble, which was adopted.

Senator Scott offered Senate Resolution No. 2758, regarding Jay R. Hahn, which was adopted.

On motion of Senator Shields, the Senate recessed until 11:20 a.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Lager.

REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **HCS** for **HBs 1549, 1771, 1395 and 2366**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HJR 70**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Shields requested unanimous consent of the Senate to allow members of the State Water Patrol to enter the Chamber with side arms, which request was granted.

HOUSE BILLS ON THIRD READING

Senator Rupp moved that **SS** for **HCS** for **HBs 1549, 1771, 1395** and **2366**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HCS** for **HBs 1549, 1771, 1395** and **2366**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Dempsey	Engler
Gibbons	Goodman	Graham	Green	Griesheimer	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott	Shields
Shoemyer	Stouffer	Vogel—27					

NAYS—Senators

Bray	Coleman	Days	Justus	Kennedy	Smith	Wilson—7
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Dempsey	Engler
Gibbons	Goodman	Graham	Green	Griesheimer	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott	Shields
Shoemyer	Stouffer	Vogel—27					

NAYS—Senators

Bray	Coleman	Days	Justus	Kennedy	Smith	Wilson—7
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 765**, entitled:

An Act to repeal sections 72.080 and 311.060, RSMo, and to enact in lieu thereof twelve new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain section.

With Part 1 and Part 3 of **HCS** adopted.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 999**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 1008**, entitled:

An Act to repeal sections 354.536, 376.426, 376.450, 376.453, 376.776, 376.960, 376.966, 379.118, 379.930, 379.940, and 379.952, RSMo, and to enact in lieu thereof thirteen new sections relating to health insurance.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1009**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1190**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1016**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 1033**, entitled:

An Act to repeal section 49.292, RSMo, and to enact in lieu thereof one new section relating to

transfers of real property to counties.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1002**, entitled:

An Act to repeal section 89.120, as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 89.120, as enacted by senate committee substitute for house bill no. 1352, eighty-ninth general assembly, second regular session, and to enact in lieu thereof one new section relating to zoning violation remedies, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1044**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1061**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1073**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 1131**, entitled:

An Act to repeal sections 94.577, 94.600, and 94.605, RSMo, and to enact in lieu thereof three new sections relating to transportation sales taxes.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1150**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **SCS** for **SBs 1153, 1154, 1155** and **1156**, entitled:

An Act to repeal sections 57.967, 57.980, 70.695, 70.710, 70.720, 70.730, 169.020, 169.040, 169.056, 169.070, 169.090, 169.130, 169.630, 169.650, 169.655, 169.670, and 169.690, RSMo, and to enact in lieu thereof eighteen new sections relating to retirement.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1177**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1187**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1135**, entitled:

An Act to repeal section 88.917, RSMo, and to enact in lieu thereof one new section relating to street grading in cities.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1235**.

Bill ordered enrolled.

PRIVILEGED MOTIONS

Senator Goodman moved that **SCS** for **SB 765**, with **HCS** (Part I and Part III), be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 765** (Part I and Part III), entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 765

An Act to repeal sections 72.080 and 311.060, RSMo, and to enact in lieu thereof twelve new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Goodman moved that **HCS** for **SCS** for **SB 765** (Part I and Part III) be adopted.

At the request of Senator Goodman, the above motion was withdrawn.

Senator Goodman moved that the Senate refuse to concur in Part I and Part III of **HCS** for **SCS** for **SB 765** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 1722**, with **SCS**, entitled:

An Act to repeal sections 160.261, 160.660, 161.650, 167.020, 167.022, 167.023, 167.029, 167.115, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.133, and 210.102, and to enact in lieu thereof seventeen new sections relating to school protection measures.

Was called from the Informal Calendar and taken up by Senator Mayer.

SCS for **HCS** for **HB 1722**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1722

An Act to repeal sections 105.711, 160.261, 160.545, 160.660, 160.730, 160.775, 161.650, 162.675, 162.730, 162.740, 162.755, 162.780, 162.785, 162.810, 162.961, 162.963, 163.011, 167.020, 167.022, 167.023, 167.029, 167.115, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.133, 168.520, 169.010, 170.011, 173.256, 173.258, and 210.102, and to enact in lieu thereof forty-seven new sections relating to elementary and secondary education, with penalty provisions and an emergency clause for certain sections.

Was taken up.

Senator Mayer moved that **SCS** for **HCS** for **HB 1722** be adopted.

Senator Mayer offered **SS** for **SCS** for **HCS** for **HB 1722**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1722

An Act to repeal sections 160.261, 160.545, 160.660, 160.730, 160.775, 161.650, 162.675, 162.720, 162.730, 162.740, 162.755, 162.780, 162.785, 162.810, 162.961, 162.963, 163.011, 167.020, 167.022, 167.023, 167.029, 167.115, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.133, 168.520, 169.010, 170.011, 171.031, 173.256, 173.258, 177.088, and 210.102, RSMo, and to enact in lieu thereof forty-eight new sections relating to elementary and secondary education, with penalty provisions and an emergency clause for certain sections.

Senator Mayer moved that **SS** for **SCS** for **HCS** for **HB 1722** be adopted.

At the request of Senator Mayer, **HCS** for **HB 1722**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS No. 2** for **SB 976**, entitled:

An Act to repeal sections 1.020, 28.160, 41.950, 49.292, 57.280, 58.451, 58.720, 137.122, 167.031, 168.133, 191.225, 194.119, 195.017, 211.021, 211.031, 211.033, 211.034, 211.041, 211.061, 211.071, 211.091, 211.321, 217.450, 217.827, 217.831, 226.095, 287.067, 290.505, 302.341, 347.179, 351.047, 351.120, 351.125, 351.127, 351.145, 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.151, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, 356.211, 359.681, 362.550, 386.266, 417.011, 417.016, 417.018, 417.026, 417.031, 417.046, 417.210, 427.225, 429.015, 452.305, 452.310, 452.343, 452.377, 452.380, 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, 452.550, 454.850, 454.855, 454.857, 454.860, 454.867, 454.869, 454.871, 454.874, 454.877, 454.880, 454.885, 454.887, 454.890, 454.892, 454.895, 454.897, 454.902, 454.905, 454.907, 454.912, 454.917, 454.920, 454.927, 454.930, 454.932, 454.934, 454.936, 454.943, 454.946, 454.951, 454.956, 454.958, 454.963, 454.971, 454.973, 454.976, 454.983, 454.989, 454.991, 454.993, 455.005, 455.513, 456.5-505, 456.8-802, 456.8-816, 476.083, 477.600, 478.387, 478.437, 478.463, 478.466, 478.513, 478.750, 479.260, 488.012, 488.429, 488.435, 488.5025, 494.430, 514.040, 517.041, 536.024, 536.037, 537.528, 537.675, 559.115, 565.084, 566.226, 575.070, 595.045, 610.010, 621.250, 640.013, and 650.350, RSMo, sections 317.006, 317.011 and 317.015 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780 merged with conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, and section 454.516 as enacted by senate substitute for senate committee substitute for house bill no. 2008, ninety-first general assembly, second regular session and section 454.516 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 895, ninety-first general assembly, second regular session, and to enact in lieu thereof two hundred forty-five new sections relating to judicial procedure and personnel, with penalty provisions and an emergency clause for certain sections.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment Nos. 3, 4, 5 and 6, House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 7, House Substitute Amendment No. 1 for House Amendment No. 7, as amended, House Amendment Nos. 8 and 9.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute No. 2 for Senate Bill No. 976, Page 58, Line 1 by inserting after all of said Line the following:

“Further amend said bill, Sections 290.505 and 290.531, Pages 57 through 58 by removing all of said Sections from the bill; and” ;and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute No. 2 for Senate Bill 976, Page 56, Section 217.831, Line 20, by inserting after all of said Line, the following:

“233.155. 1. Whenever the inhabitants of any special road district already formed under sections 233.010 to 233.165 shall desire to extend the boundaries of such district to take in territory not included in the original district, and shall present a petition to the county commission of the county in which such district is located, or if the proposed district is to include portions of more than one county, then to the county commissions of each of such counties, signed by not less than thirty-five voters in the old district and not less than fifty percent of the voters in the territory proposed to be taken into said district, asking the county commission or commissions of such county or counties to submit the proposition of the proposed extension of such road district to a vote of the people of such proposed district for their adoption or rejection, the county commission of such county, or if the proposed district shall include parts of more than one county, the county commissions of all such counties, shall each make an order of record that the proposed extension of said road district under the provisions of this section, describing the same by its title and the date of its approval, and describing the boundaries of the district as proposed to be extended, be submitted to the voters of such proposed road district.

2. The question shall be submitted in substantially the following form:

Shall the special road district be extended?

3. If the territory of more than one county be included in said special road district, the county commission of each county in said district shall, as soon as the returns are in from said election, cause a certificate to be made out stating the number of votes cast for and against said proposition in said county, and cause such certificate to be filed with the county clerk of the county commission of every other county which shall form a part of said special road district. If it shall appear from the returns of said county and from said certificate that a majority of the votes cast upon the proposition in the whole proposed district be in favor of the extension of said road district, the county commission or county commissions in said proposed district shall declare the result of the vote thereon in said proposed district by an order of record, and shall make an order of record that the above specified road district laws shall extend to and be the law in such special road district, including the extension thereof, setting out the boundaries of said district as extended, the same to take effect and be in force from and after a day to be named in such order, said day to be not more than twenty days after said election.

4. If any territory added to any such original district be in any county outside of the county of such original district, each county outside of such original district may appoint one road commissioner to act with the commissioners appointed in the county of the original district. Such commissioners so appointed outside of the county of the original district shall serve for a term of three years from the date of such appointment, and until their successors shall be appointed and qualified. Such commissioners shall be voters of such added territory in such county of their appointment. Except as herein provided, such commissioners shall be governed by sections 233.010 to 233.165. No change shall be made in the number of commissioners appointed by the county of the original district or in the manner of their appointment. **In any special road district located in two counties with an additional fourth commissioner appointed by the county outside of the original district as provided in this subsection, a fifth commissioner may be appointed by the same county that appointed the fourth commissioner. Except as herein provided, a fifth commissioner shall be governed by sections 233.010 to 233.165, shall serve for a term of three years from the date of the appointment and until the fifth commissioner's successor shall be appointed and qualified, and shall be a voter of the county of appointment.**

5. If a majority of the votes of the proposed district, as extended, be cast in favor of such extension,

then the territory of such district, as extended, shall be governed by sections 233.010 to 233.165. But if such extension proposition shall not receive a majority of the votes of said district, as extended, then said special road district shall remain as it was before said petition was filed. Any special road district extended under the provisions of this section may be extended so that after such extension it shall not be more than seventeen miles square.”; and

Further amend said Bill, Page 56, Section 267.165, Lines 1-9, by deleting all of said Lines from the Bill; and

Further amend said Bill, Pages 110-111, Section 452.305, Lines 1-23, by deleting all of said Lines from the Bill; and

Further amend said Bill, Pages 111-114, Section 452.310, Lines 1-106, by deleting all of said Lines from the Bill; and

Further amend said Bill, Page 176, Section 478.387, Line 3, by deleting the word “**six**” and inserting in lieu thereof the word “**four**”; and

Further amend said Bill, Page 176, Section 478.387, Lines 4-6 by deleting all of said Lines and inserting in lieu thereof the following:

“Such reduction shall be the first four vacancies until the number of circuit judges is reduced by four.”; and

Further amend said Bill, Page 176, Section 478.437, Line 5, by deleting the word “**two**” and inserting in lieu thereof the word “**one**”; and

Further amend said Bill, Page 176, Section 478.437, Line 5, by deleting the word “**judges**” and inserting in lieu thereof the word “**judge**”; and

Further amend said Bill, Page 176, Section 478.437, Line 6, by inserting after all of said Line, the following:

“Such additional associate circuit court judge shall sit in the county of Lincoln.”; and

Further amend said Bill, Page 178, Section 478.750, Lines 5-6, by deleting all of said Lines and inserting in lieu thereof, the following:

“one circuit judge. Such reduction shall be in division 2 and shall take effect upon the vacancy or completion of the current term of such circuit judge occurring on or after the effective date of this section.”; and

Further amend said Bill, Page 178, Section 478.755, Line 3, by inserting after all of said Line, the following:

“Such additional associate circuit court judge shall sit in the county of Lawrence.”; and

Further amend said Bill, Page 178, Section 478.760, Line 3, by inserting after all of said Line, the following:

“Such additional associate circuit court judge shall sit in the county of Newton.”; and

Further amend said Bill, Page 187, Section 514.040, Line 30, by inserting after all of said Line, the following:

“516.190. 1. Whenever a cause of action has been fully barred by the laws of the state, territory or country in which it originated, said bar shall be a complete defense to any action thereon, brought in any of the courts of this state.

2. Notwithstanding any other provisions of law, and except for any judgment, order, or decree awarding child support or maintenance which mandates the making of payments over a period of time, whenever a judgment has been fully barred by the laws of the state, territory, or country in which it originated, such bar shall be a complete defense to any action to enforce or revive a judgment registered thereon in this state pursuant to section 511.760, RSMo, or any other statute, or to any action to enforce or revive any judgment obtained pursuant to an action to enforce that original judgment, and no execution, order, or process shall issue thereon, nor shall any suit be brought, had, or maintained thereon for any purpose whatsoever. Such bar shall be a complete defense to the enforcement of any lien resulting from any such judgment and shall cause said lien to expire and not be subject to revival.”; and

Further amend said Bill, Page 196, Section 575.070, Line 13, by inserting after all of said Line, the following:

“578.026. 1. A person performing a lawful seizure of any dog that is the subject of a violation of section 578.025, whether under the authority of a warrant or not, shall:

(1) Be given a disposition hearing within thirty days of the filing of the request for the purpose of granting immediate disposition of the dogs impounded;

(2) Place impounded dogs in the care or custody of a veterinarian, the appropriate animal control authority, or an animal shelter. If no appropriate veterinarian, animal control authority, or animal shelter is available, the dog shall not be impounded unless it is diseased or disabled beyond recovery for any useful purpose;

(3) Humanely kill any dog impounded if it is determined by a licensed veterinarian that the dog is diseased or disabled beyond recovery for any useful purpose;

(4) Not be liable for any necessary damage to property if the dog has been lawfully seized.

2. The owner or custodian or any person claiming an interest in any dog that has been impounded because of being the subject of a violation of section 578.025 may prevent disposition of the dog by posting bond or security in an amount sufficient to provide for the dog's care and keeping for at least thirty days, inclusive of the date on which the animal was taken into custody. Notwithstanding the fact that bond may be posted pursuant to this subsection, the authority having custody of the animal may humanely dispose of the dog at the end of the time for which expenses are covered by the bond or security, unless there is a court order prohibiting such disposition. Such order shall provide for a bond or other security in the amount necessary to protect the authority having custody of the dog from any cost of the care, keeping or disposal of the dog. The authority taking custody of a dog shall give notice of the provisions of this section by posting a copy of this section at the place where the dog was taken into custody or by delivering it to a person residing on the property.

3. The owner or custodian of any dog humanely killed pursuant to this section shall not be entitled to recover any damages related to, nor the actual value of, the dog if the dog was found by a licensed veterinarian to be diseased or disabled, or if the owner or custodian failed to post bond or security for the care, keeping and disposition of the dog after being notified of impoundment.”; and

Further amend said Bill, Page 206, Section 640.013, Line 9, by inserting after all of said Line, the following:

“643.151. 1. It is unlawful for any person to cause or permit any air pollution by emission of any air contaminant from any air contaminant source located in Missouri, in violation of sections 643.010 to 643.190, or any rule promulgated by the commission.

2. No person who knows or should know of the existence of such rules may cause or permit any air pollution by emission of any air contaminant source located outside Missouri, and which emissions enter Missouri in excess of the emission control regulations applicable to the portion of Missouri where the air contaminant enters the state.

3. In the event the commission determines that any provision of sections 643.010 to 643.190, or the rules promulgated hereunder, permits issued, or any final order or determination made by the commission or the director is being violated, the commission may cause to have instituted a civil action in any court of competent jurisdiction for injunctive relief to prevent any further violation or for the assessment of a penalty not to exceed ten thousand dollars for each violation per day for each day, or part thereof, the violation continues to occur, or both, as the court may deem proper. A civil monetary penalty under this section shall not be assessed for a violation where an administrative penalty was assessed under section 643.085. The commission may request the attorney general or other counsel to bring such action in the name of the people of the state of Missouri. Process may be served in any manner provided by chapter 506, RSMo, including but not limited to sections 506.510 and 506.520, RSMo. Suit may be brought in any county where the defendant's principal place of business is located or where the air contaminant source is located or where the air contaminants enter the state of Missouri. Any offer of settlement to resolve a civil penalty under this section shall be in writing, shall state that an action for imposition of a civil penalty may be initiated by the attorney general or a prosecuting attorney representing the department under authority of this section, and shall identify any dollar amount as an offer of settlement which shall be negotiated in good faith through conference, conciliation and persuasion.

4. Any concentrated animal feeding operation or recycling company that converts animal parts into petroleum that the commission or the director determines to be in persistent violation of the provisions of this section or any odor rule promulgated by the department shall forfeit any permits issued by the department under sections 640.700 to 640.755, RSMo, this chapter, or chapter 644, RSMo, until such time that the concentrated animal feeding operation or recycling company that converts animal parts into petroleum successfully reapplies for a new permit. For the purposes of this subsection, the term “persistent violation” shall mean any concentrated animal feeding operation or recycling company that converts animal parts into petroleum that has been found by the commission or the director to have violated the provisions of this section at least six times during any twelve-month period or at least twelve times during any thirty-six month period.

5. During any thirty-six month period, any concentrated animal feeding operation or recycling company that converts animal parts into petroleum that the commission or director has found to have violated the provisions of this section on more than one occasion shall be subject to a surcharge in addition to the civil penalties assessed under subsection 3 of this section. The surcharge shall be an amount equal to the sum of the penalty assessed under subsection 3 of this section for the current citation plus all the fines assessed against the violator during the thirty-six month period prior to the date the citation was issued.

6. The proceeds of any surcharge assessed under subsection 5 of this section shall be deposited into the “Air Pollution Enforcement Fund”, which is hereby established and shall be administered by the department. One half of all moneys in the fund shall be utilized exclusively to enforce the provisions of this section and one half of all moneys in the fund shall be transferred at least annually to the state school moneys fund as established in section 166.051, RSMo, and distributed to the public schools of this state in the manner provided in section 163.031, RSMo.

7. Notwithstanding the provisions of section 33.080, RSMo, moneys in the air pollution enforcement fund shall not revert to general revenue. The state treasurer shall invest the moneys from the fund in the same manner as other state funds are invested. Interest accruing to the fund shall be deposited in the fund and shall not be transferred to general revenue.

8. Any member of the commission or employee thereof who is convicted of willful disclosure or conspiracy to disclose confidential information to any person other than one entitled to the information under sections 643.010 to 643.190 is guilty of a class A misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars.

[5.] 9. No liability shall be imposed upon persons violating the provisions of sections 643.010 to 643.190 or any rule hereunder due to any violation caused by an act of God, war, strike, riot or other catastrophe.

644.076. 1. It is unlawful for any person to cause or permit any discharge of water contaminants from any water contaminant or point source located in Missouri in violation of sections 644.006 to 644.141, or any standard, rule or regulation promulgated by the commission. In the event the commission or the director determines that any provision of sections 644.006 to 644.141 or standard, rules, limitations or regulations promulgated pursuant thereto, or permits issued by, or any final abatement order, other order, or determination made by the commission or the director, or any filing requirement pursuant to sections 644.006 to 644.141 or any other provision which this state is required to enforce pursuant to any federal water pollution control act, is being, was, or is in imminent danger of being violated, the commission or director may cause to have instituted a civil action in any court of competent jurisdiction for the injunctive relief to prevent any such violation or further violation or for the assessment of a penalty not to exceed ten thousand dollars per day for each day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper. A civil monetary penalty pursuant to this section shall not be assessed for a violation where an administrative penalty was assessed pursuant to section 644.079. The commission, the chair of a watershed district's board of trustees created under section 249.1150, RSMo, or the director may request either the attorney general or a prosecuting attorney to bring any action authorized in this section in the name of the people of the state of Missouri. Suit may be brought in any county where the defendant's principal place of business is located or where the water contaminant or point source is located or was located at the time the violation occurred. Any offer of settlement to resolve a civil penalty pursuant to this section shall be in writing, shall state that an action for imposition of a civil penalty may be initiated by the attorney general or a prosecuting attorney representing the department pursuant to this section, and shall identify any dollar amount as an offer of settlement which shall be negotiated in good faith through conference, conciliation and persuasion.

2. Any concentrated animal feeding operation or recycling company that converts animal parts into petroleum that the commission or the director determines to be in persistent violation of the provisions of this section shall forfeit any permits issued by the department under sections 640.700

to 640.755, RSMo, chapter 643, RSMo, or chapter 644, until such time the concentrated animal feeding operation or recycling company that converts animal parts into petroleum successfully reapplies for a new permit. For the purposes of this subsection, the term “persistent violation” shall mean any concentrated animal feeding operation or recycling company that converts animal parts into petroleum that the commission or the director has found to have violated the provisions of this section at least six times during any twelve-month period or at least twelve times during any thirty-six month period.

3. During any thirty-six month period, any concentrated animal feeding operation or recycling company that converts animal parts into petroleum that the commission or director has found to have violated the provisions of this section on more than one occasion shall be subject to a surcharge in addition to the civil penalties assessed under subsection 1 of this section. The surcharge shall be an amount equal to the sum of the penalty assessed under subsection 1 of this section for the current citation plus all the fines assessed against the violator during the thirty-six month period prior to the date the citation was issued.

4. The proceeds of any surcharge assessed under subsection 3 of this section shall be deposited into the “Water Pollution Enforcement Fund”, which is hereby established and shall be administered by the department. One half of all moneys in the fund shall be utilized exclusively to enforce the provisions of this section, and one half of all the moneys in the fund shall be transferred at least annually to the state school moneys fund as established in section 166.051, RSMo, and distributed to the public schools of this state in the manner provided in section 163.031, RSMo.

5. Notwithstanding the provisions of section 33.080, RSMo, moneys in the water pollution enforcement fund shall not revert to general revenue. The state treasurer shall invest the moneys from the fund in the same manner as other state funds are invested. Interest accruing to the fund shall be deposited in the fund and shall not be transferred to general revenue.

6. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to sections 644.006 to 644.141 or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained pursuant to sections 644.006 to 644.141 shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months, or by both.

[3.] 7. Any person who willfully or negligently commits any violation set forth pursuant to subsection 1 of this section shall, upon conviction, be punished by a fine of not less than two thousand five hundred dollars nor more than twenty-five thousand dollars per day of violation, or by imprisonment for not more than one year, or both. Second and successive convictions for violation of the same provision of this section by any person shall be punished by a fine of not more than fifty thousand dollars per day of violation, or by imprisonment for not more than two years, or both.

[4.] 8. The liabilities which shall be imposed pursuant to any provision of sections 644.006 to 644.141 upon persons violating the provisions of sections 644.006 to 644.141 or any standard, rule, limitation, or regulation adopted pursuant thereto shall not be imposed due to any violation caused by an act of God, war, strike, riot, or other catastrophe.”; and

Further amend said Bill, Pages 210, Section 6, Lines 4-8, by deleting all of said Lines and inserting in lieu thereof the following:

“(2) “Health carrier”, the same meaning as such term is defined in section 376.1350, RSMo; except when such health care services are provided, delivered, arranged for, paid for, or reimbursed by the MO HealthNet division within the department of social services or the department of mental health;

(3) “Pharmacy benefit manager” or “PBM”, a person or entity other than a pharmacy or pharmacist acting as an administrator in connection with pharmacy benefits; except when such pharmacy services are provided, delivered, arranged for, paid for, or reimbursed by the MO HealthNet division within the department of social services or the department of mental health;”; and

Further amend said Bill, Page 213, Section 8, Line 23, by inserting after all of said Line, the following:

“Section 9. Notwithstanding any other provision of law, any electrical corporation as defined by subdivision 15 of section 386.020, RSMo, which, by January 20, 2009, achieves an amount of eligible renewable energy technology nameplate capacity equal to or greater than fifteen percent of such corporation's total owned fossil-fired generating capacity, shall be exempt thereafter from a requirement to pay any subsidy, fee, or rebate to its customers that install their own solar electric energy system and shall be exempt from meeting any non-federal mandated renewable energy standard requirements. Any disputes or denial of exemptions under this section shall be reviewable by the circuit court of Cole County as prescribed by law.”; and

Further amend said Bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute No. 2 for Senate Bill No. 976, Page 1, Line 5 by inserting after the word “Missouri” the following “for no less than three hundred thousand dollars”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute No. 2 for Senate Bill No. 976, Page 213, Section 8, Line 23, by inserting after all of said Line, the following:

“Section 9. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in real property known as the Joplin Regional Center, located in Jasper County, Joplin Missouri. The property to be conveyed is more particularly described as follows:

A tract of land lying in the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of Section 31, Township 28, Range 32, Jasper County, Missouri, and described by the following metes and bounds: beginning at the Southwest corner of the above described Southwest Quarter (1/4) of the Southeast (1/4) of Section 31; thence North along the West line thereof 670.0 Feet; thence East with an angle of 90 degrees with the said West line 450.0 Feet to a point; thence South parallel to said West line 140.0 Feet; thence South 56 degrees East for a distance of 415.0 Feet to a point; thence South 290.0 Feet to the South line of said Southwest Quarter

(1/4) of the Southeast Quarter (1/4); thence West along said South line 800.0 Feet to point of beginning, containing ten and two-tenths (10.2) acres, more or less, except a strip of land fifty feet wide East and West off of the West side thereof, the same being reserved for road purposes.

2. The conveyance of the property described in this section shall not occur until the Joplin Regional Center is relocated from the property described in this section to different property.

3. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the time, place, and terms of the conveyance.

4. The attorney general shall approve the form of the instrument of conveyance.”; and

Further amend said Bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute No. 2 for Senate Bill No. 976, Section 566.226, Page 195, Line 15, by inserting after all of said section the following:

“573.525. 1. It is the purpose of sections 573.525 to 573.537 to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of this state, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the state. The provisions of sections 573.525 to 573.537 have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of sections 573.525 to 573.537 to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of sections 573.525 to 573.537 to condone or legitimize the distribution of obscene material.

2. The general assembly finds that:

(1) Sexually oriented businesses, as a category of commercial enterprises, are associated with a wide variety of adverse secondary effects, including but not limited to personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation;

(2) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area;

(3) Each of the foregoing negative secondary effects constitutes a harm which the state has a substantial interest in preventing and/or abating. Such substantial government interest in preventing secondary effects, which is the state's rationale for sections 573.525 to 573.537, exists independent of any comparative analysis between sexually oriented and nonsexually oriented businesses. Additionally, the state's interest in regulating sexually oriented businesses extends to preventing

future secondary effects of current or future sexually oriented businesses that may locate in the state.

573.528. For purposes of sections 573.525 to 573.537, the following terms shall mean:

(1) “Adult bookstore” or “adult video store”, a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. A “principal business activity” exists where the commercial establishment:

(a) Has a substantial portion of its displayed merchandise which consists of such items; or

(b) Has a substantial portion of the wholesale value of its displayed merchandise which consists of such items; or

(c) Has a substantial portion of the retail value of its displayed merchandise which consists of such items; or

(d) Derives a substantial portion of its revenues from the sale or rental, for any form of consideration of such items; or

(e) Maintains a substantial section of its interior business space for the sale or rental of such items; or

(f) Maintains an adult arcade. “Adult arcade” means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas;

(2) “Adult cabaret”, a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude;

(3) “Adult motion picture theater”, a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration;

(4) “Characterized by”, describing the essential character or dominant theme of an item. As applied in sections 573.525 to 573.537, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America;

(5) “Employ”, “employee” or “employment”, describe and pertain to any person who performs any service on the premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises;

(6) “Establish” or “establishment”, any of the following:

(a) The opening or commencement of any sexually oriented business as a new business;

(b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or

(c) The addition of any sexually oriented business to any other existing sexually oriented business;

(7) “Influential interest”, any of the following:

(a) The actual power to operate the sexually oriented business or control the operation, management, or policies of the sexually oriented business or legal entity which operates the sexually oriented business;

(b) Ownership of a financial interest of thirty percent or more of a business or of any class of voting securities of a business; or

(c) Holding an office, such as president, vice president, secretary, treasurer, managing member, or managing director, in a legal entity which operates the sexually oriented business;

(8) “Nudity” or “state of nudity”, the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple or areola;

(9) “Operator”, any person on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not such person is an owner, part owner, or licensee of the business;

(10) “Premises”, the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a sexually oriented business license;

(11) “Regularly”, the consistent and repeated doing of the act so described;

(12) “Semi-nude” or “state of semi-nudity”, the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part;

(13) “Semi-nude model studio”, a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Such definition does not apply to any place where persons appearing in a state of semi-nudity did so in a modeling class operated:

(a) By a college, junior college, or university supported entirely or partly by taxation;

(b) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(c) In a structure:

a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and

b. Where, in order to participate in a class, a student must enroll at least three days in advance of the class;

(14) “Sexual encounter center”, a business or commercial enterprise that, as one of its principal purposes, purports to offer for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex when one or more of the persons is semi-nude;

(15) “Sexually oriented business”, an adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, a semi-nude model studio, or a sexual encounter center;

(16) “Specified anatomical areas”:

(a) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered;

(17) “Specified criminal act”, any of the following specified offenses for which less than eight years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is later:

(a) Rape and sexual assault offenses;

(b) Sexual offenses involving minors;

(c) Offenses involving prostitution;

(d) Obscenity offenses;

(e) Offenses involving money laundering;

(f) Offenses involving tax evasion;

(g) Any attempt, solicitation, or conspiracy to commit one of the offenses listed in paragraphs (a) to (f) of this subdivision; or

(h) Any offense committed in another jurisdiction which if committed in this state would have constituted an offense listed in paragraphs (a) to (g) of this subdivision;

(18) “Specified sexual activity”, any of the following:

(a) Intercourse, oral copulation, masturbation, or sodomy; or

(b) Excretory functions as a part of or in connection with any of the activities describe in paragraph (a) of this subdivision;

(19) “Substantial”, at least thirty percent of the item or items so modified;

(20) “Viewing room”, the room, booth, or area where a patron of a sexually oriented business

would ordinarily be positioned while watching a film, video cassette, digital video disc, or other video reproduction.

573.531. 1. No person shall establish a sexually oriented business within one thousand feet of any preexisting primary or secondary school, house of worship, state-licensed day care facility, public library, public park, residence, or other sexually oriented business. This subsection shall not apply to any sexually oriented business lawfully established prior to the effective date of sections 573.525 to 573.537. For purposes of this subsection, measurements shall be made in a straight line, without regard to intervening structures or objects, from the closest portion of the parcel containing the sexually oriented business to the closest portion of the parcel containing the preexisting primary or secondary school, house of worship, state-licensed day care facility, public library, public park, residence, or other sexually oriented business.

2. No person shall establish a sexually oriented business if a person with an influential interest in the sexually oriented business has been convicted of or pled guilty or nolo contendere to a specified criminal act.

3. No person shall knowingly or intentionally, in a sexually oriented business, appear in a state of nudity.

4. No employee shall knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition unless the employee, while semi-nude, shall be and remain on a fixed stage at least six feet from all patrons and at least eighteen inches from the floor in a room of at least six hundred square feet.

5. No employee who appears in a semi-nude condition in a sexually oriented business shall knowingly or intentionally touch a patron or the clothing of a patron in a sexually oriented business.

6. A sexually oriented business which exhibits on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disc, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements:

(1) The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose;

(2) An operator's station shall not exceed thirty-two square feet of floor area;

(3) If the premises has two or more operator's stations designated, the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations;

(4) The view required under this subsection shall be by direct line of sight from the operator's station;

(5) It is the duty of the operator to ensure that at least one employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by such operator station; and

(6) It shall be the duty of the operator and of any employees present on the premises to ensure that the view area specified in this subsection remains unobstructed by any doors, curtains, walls,

merchandise, display racks, or other materials or enclosures at all times that any patron is present on the premises.

7. Sexually oriented businesses that do not have stages or interior configurations which meet at least the minimum requirements of sections 573.525 to 573.537 shall be given one hundred eighty days after the effective date of sections 573.525 to 573.537 to comply with the stage and building requirements of sections 573.525 to 573.537. During such one-hundred-eighty-day period, any employee who appears within view of any patron in a semi-nude condition shall remain, while semi-nude, at least six feet from all patrons.

8. No operator shall allow or permit a sexually oriented business to be or remain open between the hours of 12:00 midnight and 6:00 a.m. on any day.

9. No person shall knowingly or intentionally sell, use, or consume alcoholic beverages on the premises of a sexually oriented business.

10. No person shall knowingly allow a person under the age of eighteen years on the premises of a sexually oriented business.

573.534. Sections 573.525 to 573.537 do not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of sections 573.525 to 573.537. Notwithstanding any other provision of law to the contrary, for purposes of sections 573.525 to 573.537, an act by an employee shall be imputed to the sexually oriented business for purposes of finding a violation of sections 573.525 to 573.537 only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

573.537. 1. Any person, business, or entity violating or refusing to comply with any provision of sections 573.525 to 573.537 shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by imposition of a fine not to exceed five hundred dollars or by imprisonment for a period not to exceed ninety days, or both. Each day that a violation is permitted to exist or occur, and each separate occurrence shall constitute a separate offense.

2. Any premises, building, dwelling, or other structure in which a sexually oriented business is repeatedly operated or maintained in violation of sections 573.525 to 573.537 shall constitute a public nuisance and shall be subject to civil abatement proceedings initiated by the state in a court of competent jurisdiction. Each day that a violation is permitted to exist or occur shall constitute a separate operation or maintenance of the violation.

3. Notwithstanding the provisions of this section, the state may employ any remedy available at law or in equity to prevent or remedy a violation of any provision of sections 573.525 to 573.537.

573.540. Nothing in sections 573.525 to 573.537 shall preempt or prevent any political subdivision in this state from maintaining, enacting, or enforcing any local ordinance, rule, regulation, resolution, or similar law concerning the regulation of sexually oriented businesses or similar adult oriented businesses.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute No. 2 for Senate Bill No. 976, Page 194, Section 559.115, Line 69, by inserting after all of said Line, the following:

“565.005. 1. At a reasonable time before the commencement of the first stage of any trial of murder in the first degree, **forcible rape of a child under the age of twelve, or forcible sodomy of a child under the age of twelve**, at which the death penalty is not waived, the state and defendant, upon request and without order of the court, shall serve counsel of the opposing party with:

(1) A list of all aggravating or mitigating circumstances as provided in [subsection 1 of] section 565.032 **for murder in the first degree or section 565.415 for forcible rape of a child under the age of twelve or forcible sodomy of a child under the age of twelve**, which the party intends to prove at the second stage of the trial;

(2) The names of all persons whom the party intends to call as witnesses at the second stage of the trial;

(3) Copies or locations and custodian of any books, papers, documents, photographs or objects which the party intends to offer at the second stage of the trial. If copies of such materials are not supplied to opposing counsel, the party shall cause them to be made available for inspection and copying without order of the court.

2. The disclosures required in subsection 1 of this section are supplemental to those required by rules of the supreme court relating to a continuing duty to disclose information, the use of matters disclosed, matters not subject to disclosure, protective orders, and sanctions for failure to comply with an applicable discovery rule or order, all of which shall also apply to any disclosure required by this section.

565.006. 1. At any time before the commencement of the trial of a homicide [offense], **forcible rape of a child under the age of twelve, or forcible sodomy of a child under the age of twelve**, the defendant may, with the assent of the court, waive a trial by jury and agree to submit all issues in the case to the court, whose finding shall have the force and effect of a verdict of a jury. Such a waiver must include a waiver of a trial by jury of all issues and offenses charged in the case, including the punishment to be assessed and imposed if the defendant is found guilty.

2. No defendant who pleads guilty to a homicide [offense], **forcible rape of a child under the age of twelve, or forcible sodomy of a child under the age of twelve**, or who is found guilty of a homicide [offense], **forcible rape of a child under the age of twelve, or forcible sodomy of a child under the age of twelve** after trial to the court without a jury shall be permitted a trial by jury on the issue of the punishment to be imposed, except by agreement of the state.

3. If a defendant is found guilty of murder in the first degree, **forcible rape of a child under the age of twelve, or forcible sodomy of a child under the age of twelve** after a jury trial in which the state has not waived the death penalty, the defendant may not waive a jury trial of the issue of the punishment to be imposed, except by agreement with the state and the court.

4. Any waiver of a jury trial and agreement permitted by this section shall be entered in the court record.

565.035. 1. Whenever the death penalty is imposed in any case, and upon the judgment becoming final in the trial court, the sentence shall be reviewed on the record by the supreme court of Missouri. The circuit clerk of the court trying the case, within ten days after receiving the transcript, shall transmit the entire

record and transcript to the supreme court together with a notice prepared by the circuit clerk and a report prepared by the trial judge. The notice shall set forth the title and docket number of the case, the name of the defendant and the name and address of his attorney, a narrative statement of the judgment, the offense, and the punishment prescribed. The report by the judge shall be in the form of a standard questionnaire prepared and supplied by the supreme court of Missouri.

2. The supreme court of Missouri shall consider the punishment as well as any errors enumerated by way of appeal.

3. With regard to the sentence, the supreme court shall determine:

(1) Whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor; and

(2) Whether the evidence supports the jury's or judge's finding of a statutory aggravating circumstance as enumerated in subsection 2 of section 565.032 **or subsection 2 of section 565.435** and any other circumstance found;

(3) Whether the sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the crime, the strength of the evidence and the defendant.

4. Both the defendant and the state shall have the right to submit briefs within the time provided by the supreme court, and to present oral argument to the supreme court.

5. The supreme court shall include in its decision a reference to those similar cases which it took into consideration. In addition to its authority regarding correction of errors, the supreme court, with regard to review of death sentences, shall be authorized to:

(1) Affirm the sentence of death; or

(2) Set the sentence aside and resentence the defendant to life imprisonment without eligibility for probation, parole, or release except by act of the governor; or

(3) Set the sentence aside and remand the case for retrial of the punishment hearing. A new jury shall be selected or a jury may be waived by agreement of both parties and then the punishment trial shall proceed in accordance with this chapter, with the exception that the evidence of the guilty verdict shall be admissible in the new trial together with the official transcript of any testimony and evidence properly admitted in each stage of the original trial where relevant to determine punishment.

6. There shall be an assistant to the supreme court, who shall be an attorney appointed by the supreme court and who shall serve at the pleasure of the court. The court shall accumulate the records of all cases in which the sentence of death or life imprisonment without probation or parole was imposed after May 26, 1977, or such earlier date as the court may deem appropriate. The assistant shall provide the court with whatever extracted information the court desires with respect thereto, including but not limited to a synopsis or brief of the facts in the record concerning the crime and the defendant. The court shall be authorized to employ an appropriate staff, within the limits of appropriations made for that purpose, and such methods to compile such data as are deemed by the supreme court to be appropriate and relevant to the statutory questions concerning the validity of the sentence. The office of the assistant to the supreme court shall be attached to the office of the clerk of the supreme court for administrative purposes.

7. In addition to the mandatory sentence review, there shall be a right of direct appeal of the conviction to the supreme court of Missouri. This right of appeal may be waived by the defendant. If an appeal is taken,

the appeal and the sentence review shall be consolidated for consideration. The court shall render its decision on legal errors enumerated, the factual substantiation of the verdict, and the validity of the sentence.

565.040. 1. In the event that the death penalty provided in this chapter is held to be unconstitutional, any person convicted of murder in the first degree, **forcible rape of a child under the age of twelve, or forcible sodomy of a child under the age of twelve** shall be sentenced by the court to life imprisonment without eligibility for probation, parole, or release except by act of the governor, with the exception that when a specific aggravating circumstance found in a case is held to be unconstitutional or invalid for another reason, the supreme court of Missouri is further authorized to remand the case for resentencing or retrial of the punishment pursuant to subsection 5 of section 565.036.

2. In the event that any death sentence imposed pursuant to this chapter is held to be unconstitutional, the trial court which previously sentenced the defendant to death shall cause the defendant to be brought before the court and shall sentence the defendant to life imprisonment without eligibility for probation, parole, or release except by act of the governor, with the exception that when a specific aggravating circumstance found in a case is held to be inapplicable, unconstitutional or invalid for another reason, the supreme court of Missouri is further authorized to remand the case for retrial of the punishment pursuant to subsection 5 of section 565.035.”; and

Further amend said Bill, Page 195, Section 565.084, Line 20, by inserting after all of said Line, the following:

“565.425. 1. Except as provided in subsections 2, 3, and 4 of this section, no forcible rape of a child under the age of twelve offense may be tried together with any offense other than forcible rape of a child under the age of twelve and no forcible sodomy of a child under the age of twelve offense may be tried together with any offense other than forcible sodomy of a child under the age of twelve. In the event of a joinder of forcible rape of a child under the age of twelve offenses or forcible sodomy of a child under the age of twelve offenses, all offenses charged which are supported by the evidence in the case shall, when requested by one of the parties or the court, be submitted to the jury or, in a jury-waived trial, considered by the judge.

2. A count charging any offense of forcible rape of a child under the age of twelve of a particular individual may be joined in an indictment or information and tried with one or more counts charging alternatively any other forcible rape of a child under the age of twelve or offense other than forcible rape of a child under the age of twelve committed against that individual. A count charging any offense of forcible sodomy of a child under the age of twelve of a particular individual may be joined in an indictment or information and tried with one or more counts charging alternatively any other forcible sodomy of a child under the age of twelve or offense other than forcible sodomy of a child under the age of twelve committed against that individual. The state shall not be required to make an election as to the alternative count on which it will proceed. This subsection in no way limits the right to try in the conjunctive, where they are properly joined under subsection 1 of this section, either:

(1) Separate offenses other than forcible rape of a child under the age of twelve or separate offenses of forcible rape of a child under the age of twelve committed against different individuals;

(2) Separate offenses other than forcible sodomy of a child under the age of twelve or separate offenses of forcible sodomy of a child under the age of twelve committed against different individuals.

3. (1) When a defendant has been charged and proven before trial to be a prior offender pursuant to chapter 558, RSMo, so that the judge shall assess punishment and not a jury for an offense other than forcible rape of a child under the age of twelve, that offense may be tried and submitted to the trier together with any forcible rape of a child under the age of twelve charge with which it is lawfully joined. In such case the judge shall assess punishment on any offense joined with a forcible rape of a child under the age of twelve charge according to law and, when the trier is a jury, it shall be instructed upon punishment on the charge of forcible rape of a child under the age of twelve in accordance with section 565.430.

(2) When a defendant has been charged and proven before trial to be a prior offender pursuant to chapter 558, RSMo, so that the judge shall assess punishment and not a jury for an offense other than forcible sodomy of a child under the age of twelve, that offense may be tried and submitted to the trier together with any forcible sodomy of a child under the age of twelve charge with which it is lawfully joined. In such case the judge shall assess punishment on any offense joined with a forcible sodomy of a child under the age of twelve charge according to law and, when the trier is a jury, it shall be instructed upon punishment on the charge of forcible sodomy of a child under the age of twelve in accordance with section 565.430.

4. When the state waives the death penalty for a forcible rape of a child under the age of twelve offense or forcible sodomy of a child under the age of twelve offense, that offense may be tried and submitted to the trier together with any other charge with which it is lawfully joined.

565.430. 1. Where forcible rape of a child under the age of twelve or forcible sodomy of a child under the age of twelve is charged but not submitted or where the state waives the death penalty, the submission to the trier and all subsequent proceedings in the case shall proceed as in all other criminal cases with a single stage trial in which guilt and punishment are submitted together.

2. Where forcible rape of a child under the age of twelve or forcible sodomy of a child under the age of twelve is submitted to the trier without a waiver of the death penalty, the trial shall proceed in two stages before the same trier. At the first stage, the trier shall decide only whether the defendant is guilty or not guilty of any submitted offense. The issue of punishment shall not be submitted to the trier at the first stage. If an offense is charged other than forcible rape of a child under the age of twelve in a count together with a count of forcible rape of a child under the age of twelve, the trial judge shall assess punishment on any such offense according to law, after the defendant is found guilty of such offense and after he finds the defendant to be a prior offender pursuant to chapter 558, RSMo. If an offense is charged other than forcible sodomy of a child under the age of twelve in a count together with a count of forcible sodomy of a child under the age of twelve, the trial judge shall assess punishment on any such offense according to law, after the defendant is found guilty of such offense and after he finds the defendant to be a prior offender pursuant to chapter 558, RSMo.

3. If the trier at the first stage of a trial where the death penalty was not waived finds the defendant guilty of forcible rape of a child under the age of twelve or forcible sodomy of a child under the age of twelve, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared. Evidence in aggravation and mitigation of punishment, including but not limited to evidence supporting any of the aggravating or mitigating circumstances listed in subsection 2 or 3 of section 565.435, may be presented subject to the rules of evidence at criminal trials. Such evidence may include, within the discretion of the court, evidence concerning the

victim and the impact of the crime upon the family of the victim and others. Rebuttal and surrebuttal evidence may be presented. The state shall be the first to proceed. If the trier is a jury, it shall be instructed on the law. The attorneys may then argue the issue of punishment to the jury, and the state shall have the right to open and close the argument. The trier shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor:

(1) If the trier finds by a preponderance of the evidence that the defendant is mentally retarded;
or

(2) If the trier does not find beyond a reasonable doubt at least one of the aggravating circumstances set out in subsection 2 of section 565.435; or

(3) If the trier concludes that there is evidence in mitigation of punishment, including but not limited to evidence supporting the mitigating circumstances listed in subsection 3 of section 565.435, which is sufficient to outweigh the evidence in aggravation of punishment found by the trier; or

(4) If the trier decides under all of the circumstances not to assess and declare the punishment at death. If the trier is a jury it shall be so instructed.

If the trier assesses and declares the punishment at death it shall, in its findings or verdict, set out in writing the aggravating circumstance or circumstances listed in subsection 2 of section 565.435 which it found beyond a reasonable doubt. If the trier is a jury, it shall be instructed before the case is submitted that if it is unable to decide or agree upon the punishment the court shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor or death. The court shall follow the same procedure as set out in this section whenever it is required to determine punishment for forcible rape of a child under the age of twelve or forcible sodomy of a child under the age of twelve.

4. Upon written agreement of the parties and with leave of the court, the issue of the defendant's mental retardation may be taken up by the court and decided prior to trial without prejudicing the defendant's right to have the issue submitted to the trier of fact as provided in subsection 3 of this section.

5. As used in this section, the terms "mental retardation" or "mentally retarded" refer to a condition involving substantial limitations in general functioning characterized by significantly subaverage intellectual functioning with continual extensive related deficits and limitations in two or more adaptive behaviors such as communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work, which conditions are manifested and documented before eighteen years of age.

6. The provisions of this section shall only govern offenses committed on or after August 28, 2008.

565.435. 1. In all cases of forcible rape of a child under the age of twelve or forcible sodomy of a child under the age of twelve for which the death penalty is authorized, the judge in a jury-waived trial shall consider, or he or she shall include in his or her instructions to the jury for it to consider:

(1) Whether an aggravating circumstance or circumstances enumerated in subsection 2 of this section is established by the evidence beyond a reasonable doubt; and

(2) If an aggravating circumstance or circumstances is proven beyond a reasonable doubt, whether the evidence as a whole justifies a sentence of death or a sentence of life imprisonment

without eligibility for probation, parole, or release except by act of the governor. In determining the issues enumerated in this subdivision and subdivision (1) of this subsection, the trier shall consider all evidence which it finds to be in aggravation or mitigation of punishment, including evidence received during the first stage of the trial and evidence supporting any of the aggravating or mitigating circumstances set out in subsections 2 and 3 of this section. If the trier is a jury, it shall not be instructed upon any specific evidence which may be in aggravation or mitigation of punishment, but shall be instructed that each juror shall consider any evidence which he or she considers to be aggravating or mitigating.

2. Aggravating circumstances for a forcible rape of a child under the age of twelve offense or forcible sodomy of a child under the age of twelve offense shall be limited to the following:

(1) The offense was committed by a person with a prior record of pleading to or being found guilty of forcible rape of a child under the age of twelve or forcible sodomy of a child under the age of twelve, or the offense was committed by a person who has pleaded guilty to or been found guilty of one or more serious assaultive criminal offenses;

(2) The offense was committed while the offender was engaged in the commission or attempted commission of another unlawful rape or sodomy;

(3) The offender by his act of forcible rape of a child under the age of twelve or forcible sodomy of a child under the age of twelve knowingly created a great risk of death to more than one person by means of a weapon or device which would normally be hazardous to the lives of more than one person;

(4) The offender committed the offense for himself or another, for the purpose of receiving money or any other thing of monetary value from the victim of the forcible rape or forcible sodomy or another;

(5) The offender caused or directed another to commit forcible rape of a child under the age of twelve or forcible sodomy of a child under the age of twelve or committed forcible rape of a child under the age of twelve or forcible sodomy of a child under the age of twelve as an agent or employee of another person;

(6) The raped or sodomized individual was a witness or potential witness in any past or pending investigation or past or pending prosecution, and was raped or sodomized as a result of his or her status as a witness or potential witness;

(7) The offense was committed during the commission of a crime which is part of a pattern of criminal street gang activity as defined in section 578.421, RSMo;

(8) The offense was committed outrageously, wantonly vile, horribly, or inhumanely in that it involved torture or depravity of mind;

(9) The offense was committed by a person in, or who escaped from, the lawful custody of a peace officer or place of lawful confinement;

(10) The offense was committed while the defendant was engaged in the perpetration or was aiding or encouraging another person to perpetrate or attempt to perpetrate a felony of any degree of homicide, burglary, robbery, kidnapping or any felony offense under chapter 195, RSMo.

3. Mitigating circumstances shall include the following:

- (1) **The defendant has no significant history of prior criminal activity;**
- (2) **The offense was committed while the defendant was under the influence of extreme mental or emotional disturbance;**
- (3) **The capacity of the defendant to appreciate the criminality of his or her conduct or to conform his or her conduct to the requirements of law was substantially impaired;**
- (4) **The age of the defendant at the time of the crime;**
- (5) **The defendant acted under the substantial domination of another person.**

566.030. 1. A person commits the crime of forcible rape if such person has sexual intercourse with another person by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. Forcible rape or an attempt to commit forcible rape is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1) In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than fifteen years; or

(2) The victim is a child less than twelve years of age, in which case [the required term of imprisonment is life imprisonment without eligibility for probation or parole until the defendant has served not less than thirty years of such sentence or unless the defendant has reached the age of seventy-five years and has served at least fifteen years of such sentence. Subsection 4 of section 558.019, RSMo, shall not apply to the sentence of a person who has pleaded guilty to or has been found guilty of forcible rape when the victim is under the age of twelve, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section], **the punishment shall be either death or life imprisonment without eligibility for probation, parole, or release except by act of the governor; except that, if a person has not reached his or her eighteenth birthday at the time of the commission of the crime, the punishment shall be life imprisonment without eligibility for probation, parole, or release except by an act of the governor.**

3. No person found guilty of or pleading guilty to forcible rape or an attempt to commit forcible rape shall be granted a suspended imposition of sentence or suspended execution of sentence.

566.060. 1. A person commits the crime of forcible sodomy if such person has deviate sexual intercourse with another person by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. Forcible sodomy or an attempt to commit forcible sodomy is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1) In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years; or

(2) The victim is a child less than twelve years of age, in which case [the required term of imprisonment is life imprisonment without eligibility for probation or parole until the defendant has served not less than thirty years of such sentence or unless the defendant has reached the age of seventy-five years and has served at least fifteen years of such sentence. Subsection 4 of section 558.019, RSMo, shall not apply to the sentence of a person who has pleaded guilty to or has been found guilty of forcible sodomy when the victim is under the age of twelve, and “life imprisonment” shall mean imprisonment for the duration of a person's natural life for the purposes of this section], **the punishment shall be either death or life imprisonment without eligibility for probation, parole, or release except by act of the governor; except that, if a person has not reached his or her eighteenth birthday at the time of the commission of the crime, the punishment shall be life imprisonment without eligibility for probation, parole, or release except by an act of the governor.**

3. No person found guilty of or pleading guilty to forcible sodomy or an attempt to commit forcible sodomy shall be granted a suspended imposition of sentence or suspended execution of sentence.”; and

Further amend said Bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute No. 2 for Senate Bill No. 976, Section 640.013, Page 206, Line 9 by inserting immediately after said Line the following:

“650.052. 1. The state's DNA profiling system shall:

(1) Assist federal, state and local criminal justice and law enforcement agencies in the identification, detection or exclusion of individuals who are subjects of the investigation or prosecution of criminal offenses in which biological evidence is recovered or obtained; and

(2) If personally identifiable information is removed, support development of forensic validation studies, forensic protocols, and the establishment and maintenance of a population statistics database for federal, state, or local crime laboratories of law enforcement agencies; and

(3) Assist in the recovery or identification of human remains from mass disasters, or for other humanitarian purposes, including identification of missing persons.

2. The Missouri state highway patrol shall act as the central repository for the DNA profiling system and shall collaborate with the Federal Bureau of Investigation and other criminal justice agencies relating to the state's participation in CODIS and the National DNA Index System or in any DNA database.

3. The Missouri state highway patrol may promulgate rules and regulations to implement the provisions of sections 650.050 to 650.100 in accordance with Federal Bureau of Investigation recommendations for the form and manner of collection of blood or other scientifically accepted biological samples and other procedures for the operation of sections 650.050 to 650.100. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

4. The Missouri state highway patrol shall provide the necessary components for collection of the [convicted] offender's biological samples. For qualified offenders as defined by section 650.055 who are under custody and control of the department of corrections, the DNA sample collection shall be performed by the department of corrections and the division of probation and parole, or their authorized designee or

contracted third party. For qualified offenders as defined by section 650.055 who are under custody and control of a county jail, the DNA sample collections shall be performed by the county jail or its authorized designee or contracted third party. For qualified offenders as defined by section 650.055 who are under the custody and control of companies contracted by the county or court to perform supervision and/or treatment of the offender, the sheriff's department of the county assigned to the offender shall perform the DNA sample collection. The specimens shall thereafter be forwarded to the Missouri state highway patrol crime laboratory. Any DNA profiling analysis or collection of DNA samples by the state or any county performed pursuant to sections 650.050 to 650.100 shall be subject to appropriations.

5. The state's participating forensic DNA laboratories shall meet quality assurance standards specified by the Missouri state highway patrol crime laboratory and the Federal Bureau of Investigation to ensure quality DNA identification records submitted to the central repository.

6. The state's participating forensic DNA laboratories may provide the system for identification purposes to criminal justice, law enforcement officials and prosecutors in the preparation and utilization of DNA evidence for presentation in court and provide expert testimony in court on DNA evidentiary issues.

7. The department of public safety shall have the authority to promulgate rules and regulations to carry out the provisions of sections 650.050 to 650.100. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

650.055. 1. Every individual, in a Missouri circuit court, who pleads guilty to, or is found guilty of a felony or any offense under chapter 566, RSMo, **or who is seventeen years of age or older and who is arrested for a felony offense under chapter 565 or 566, RSMo**, or has been determined beyond a reasonable doubt to be a sexually violent predator pursuant to sections 632.480 to 632.513, RSMo, shall have a blood or scientifically accepted biological sample collected for purposes of DNA profiling analysis:

(1) **Upon booking at a county jail or detention facility; or**

(2) Upon entering or before release from the department of corrections reception and diagnostic centers;

or

[(2)] (3) Upon entering or before release from a county jail or detention facility, state correctional facility, or any other detention facility or institution, whether operated by private, local, or state agency, or any mental health facility if committed as a sexually violent predator pursuant to sections 632.480 to 632.513, RSMo; or

[(3)] (4) When the state accepts a person from another state under any interstate compact, or under any other reciprocal agreement with any county, state, or federal agency, or any other provision of law, whether or not the person is confined or released, the acceptance is conditional on the person providing a DNA sample if the person was convicted of, pleaded guilty to, or pleaded nolo contendere to an offense in any other jurisdiction which would be considered a qualifying offense as defined in this section if committed in this state, or if the person was convicted of, pleaded guilty to, or pleaded nolo contendere to any equivalent offense in any other jurisdiction; or

[(4)] (5) If such individual is under the jurisdiction of the department of corrections. Such jurisdiction includes persons currently incarcerated, persons on probation, as defined in section 217.650, RSMo, and on parole, as also defined in section 217.650, RSMo.

2. The Missouri state highway patrol and department of corrections shall be responsible for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to this section shall be required to provide such sample, without the right of refusal, at a collection site designated by the Missouri state highway patrol and the department of corrections. Authorized personnel collecting or assisting in the collection of samples shall not be liable in any civil or criminal action when the act is performed in a reasonable manner. Such force may be used as necessary to the effectual carrying out and application of such processes and operations. The enforcement of these provisions by the authorities in charge of state correctional institutions and others having custody or jurisdiction over those who have been **arrested for**, convicted of, pleaded guilty to, or pleaded nolo contendere to felony offenses which shall not be set aside or reversed is hereby made mandatory. The board of probation or parole shall recommend that an individual who refuses to provide a DNA sample have his or her probation or parole revoked. In the event that a person's DNA sample is not adequate for any reason, the person shall provide another sample for analysis.

3. The procedure and rules for the collection, analysis, storage, expungement, use of DNA database records and privacy concerns shall not conflict with procedures and rules applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA databank system.

4. Unauthorized uses or dissemination of individually identifiable DNA information in a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

5. Implementation of sections 650.050 to 650.100 shall be subject to future appropriations to keep Missouri's DNA system compatible with the Federal Bureau of Investigation's DNA databank system.

6. All DNA records and biological materials retained in the DNA profiling system are considered closed records pursuant to chapter 610, RSMo. All records containing any information held or maintained by any person or by any agency, department, or political subdivision of the state concerning an individual's DNA profile shall be strictly confidential and shall not be disclosed, except to:

(1) Peace officers, as defined in section 590.010, RSMo, and other employees of law enforcement agencies who need to obtain such records to perform their public duties;

(2) The attorney general or any assistant attorneys general acting on his or her behalf, as defined in chapter 27, RSMo;

(3) Prosecuting attorneys or circuit attorneys as defined in chapter 56, RSMo, and their employees who need to obtain such records to perform their public duties; or

(4) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court judges, and their employees who need to obtain such records to perform their public duties.

7. Any person who obtains records pursuant to the provisions of this section shall use such records only for investigative and prosecutorial purposes, including but not limited to use at any criminal trial, hearing, or proceeding; or for law enforcement identification purposes, including identification of human remains. Such records shall be considered strictly confidential and shall only be released as authorized by this section.

8. An individual may request expungement of his or her DNA sample and DNA profile through the

court issuing the reversal or dismissal. A certified copy of the court order establishing that such conviction has been reversed or guilty plea or plea of nolo contendere has been set aside shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt of the court order, the laboratory will determine that the requesting individual has no other qualifying offense as a result of any separate plea or conviction prior to expungement.

(1) A person whose DNA record or DNA profile has been included in the state DNA database in accordance with this section, section 488.5050, RSMo, and sections 650.050, 650.052, and 650.100 may request expungement on the grounds that the conviction has been reversed, or the guilty plea or plea of nolo contendere on which the authority for including that person's DNA record or DNA profile was based has been set aside.

(2) Upon receipt of a written request for expungement, a certified copy of the final court order reversing the conviction or setting aside the plea and any other information necessary to ascertain the validity of the request, the Missouri state highway patrol crime laboratory shall expunge all DNA records and identifiable information in the database pertaining to the person and destroy the DNA sample of the person, unless the Missouri state highway patrol determines that the person is otherwise obligated to submit a DNA sample. Within thirty days after the receipt of the court order, the Missouri state highway patrol shall notify the individual that it has expunged his or her DNA sample and DNA profile, or the basis for its determination that the person is otherwise obligated to submit a DNA sample.

(3) The Missouri state highway patrol is not required to destroy any item of physical evidence obtained from a DNA sample if evidence relating to another person would thereby be destroyed.

(4) Any identification, warrant, arrest, or evidentiary use of a DNA match derived from the database shall not be excluded or suppressed from evidence, nor shall any conviction be invalidated or reversed or plea set aside due to the failure to expunge or a delay in expunging DNA records.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute No. 2 for Senate Bill No. 976, Page 16, Section 58.720, Line 87, by inserting after all of said line the following:

“67.402. 1. The governing body of the following counties may enact nuisance abatement ordinances as provided in this section:

(1) Any county of the first classification with more than one hundred thirty-five thousand four hundred but [less] fewer than one hundred thirty-five thousand five hundred inhabitants[.];

(2) Any county of the first classification with more than seventy-one thousand three hundred but [less] fewer than seventy-one thousand four hundred inhabitants[, and];

(3) Any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but [less] fewer than one hundred ninety-nine thousand two hundred inhabitants;

(4) Any county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants;

(5) Any county of the third classification without a township form of government and with more than sixteen thousand four hundred but fewer than sixteen thousand five hundred inhabitants.

2. The governing body of any county described in subsection 1 of this section may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of rubbish and trash, lumber, bricks, tin, steel, parts of derelict motorcycles, derelict cars, derelict trucks, derelict construction equipment, derelict appliances, broken furniture, or overgrown or noxious weeds in residential subdivisions or districts which may endanger public safety or which is unhealthy or unsafe and declared to be a public nuisance.

[2.] **3.** Any ordinance enacted pursuant to this section shall:

(1) Set forth those conditions which constitute a nuisance and which are detrimental to the health, safety, or welfare of the residents of the county;

(2) Provide for duties of inspectors with regard to those conditions which may be declared a nuisance, and shall provide for duties of the building commissioner or designated officer or officers to supervise all inspectors and to hold hearings regarding such property;

(3) Provide for service of adequate notice of the declaration of nuisance, which notice shall specify that the nuisance is to be abated, listing a reasonable time for commencement, and may provide that such notice be served either by personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be had by publication. The ordinances shall further provide that the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the property as shown by the land records of the recorder of deeds of the county wherein the property is located shall be made parties;

(4) Provide that upon failure to commence work of abating the nuisance within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the building commissioner or designated officer or officers shall call and have a full and adequate hearing upon the matter before the county commission, giving the affected parties at least ten days' written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearings, if evidence supports a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, the county commission shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the property to be a nuisance and detrimental to the health, safety, or welfare of the residents of the county and ordering the nuisance abated. If the evidence does not support a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, no order shall be issued.

[3.] **4.** Any ordinance authorized by this section may provide that if the owner fails to begin abating the nuisance within a specific time which shall not be longer than seven days of receiving notice that the nuisance has been ordered removed, the building commissioner or designated officer shall cause the condition which constitutes the nuisance to be removed. If the building commissioner or designated officer causes such condition to be removed or abated, the cost of such removal shall be certified to the county clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the county collector's option, for the property and the certified cost shall be collected by the county collector in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance

shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR
HOUSE AMENDMENT NO. 7

Amend House Substitute Amendment No. 1 for House Amendment No. 7 to House Committee Substitute No. 2 for Senate Bill No. 976, Page 3, Section 538.240, Line 5, by deleting the words, “**to regulate**” and insert in lieu thereof the word, “**in regulating**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR
HOUSE AMENDMENT NO. 7

Amend House Committee Substitute No. 2 for Senate Bill No. 976, Page 192, Section 537.675, Line 75, by inserting immediately after all of said line the following:

“538.205. As used in sections 538.205 to [538.230] **538.305**, the following terms shall mean:

(1) “Economic damages”, damages arising from pecuniary harm including, without limitation, medical damages, and those damages arising from lost wages and lost earning capacity;

(2) “Equitable share”, the share of a person or entity in an obligation that is the same percentage of the total obligation as the person's or entity's allocated share of the total fault, as found by the trier of fact;

(3) “Future damages”, damages that the trier of fact finds will accrue after the damages findings are made;

(4) “Health care provider”, any physician, hospital, health maintenance organization, ambulatory surgical center, long-term care facility including those licensed under chapter 198, RSMo, dentist, registered or licensed practical nurse, optometrist, podiatrist, pharmacist, chiropractor, professional physical therapist, psychologist, physician-in-training, and any other person or entity that provides health care services under the authority of a license or certificate; **except that, health care provider does not include a person, hospital, or abortion facility if the act that is the subject of the claim for damages involved the performance or inducement of an abortion, except for medical emergencies, as the terms abortion, abortion facility, and medical emergency are defined in section 188.015, RSMo;**

(5) “Health care services”, any services that a health care provider renders to a patient in the ordinary course of the health care provider's profession or, if the health care provider is an institution, in the ordinary course of furthering the purposes for which the institution is organized. Professional services shall include, but are not limited to, transfer to a patient of goods or services incidental or pursuant to the practice of the health care provider's profession or in furtherance of the purposes for which an institutional health care provider is organized; **except that, health care services does not include the performance or inducement of an abortion, except for a medical emergency, as those terms are defined in section 188.015, RSMo;**

(6) “Medical damages”, damages arising from reasonable expenses for necessary drugs, therapy, and medical, surgical, nursing, x-ray, dental, custodial and other health and rehabilitative services;

(7) “Noneconomic damages”, damages arising from nonpecuniary harm including, without limitation, pain, suffering, mental anguish, inconvenience, physical impairment, disfigurement, loss of capacity to enjoy life, and loss of consortium but shall not include punitive damages;

(8) “Past damages”, damages that have accrued when the damages findings are made;

(9) “Physician employee”, any person or entity who works for hospitals for a salary or under contract and who is covered by a policy of insurance or self-insurance by a hospital for acts performed at the direction or under control of the hospital;

(10) “Punitive damages”, damages intended to punish or deter willful, wanton or malicious misconduct, including exemplary damages and damages for aggravating circumstances;

(11) “Self-insurance”, a formal or informal plan of self-insurance or no insurance of any kind.

538.240. Under the policy and laws of the state of Missouri favoring childbirth over abortion and to regulate abortion to the greatest extent allowed by law, the general assembly declares that the protections from certain liabilities afforded health care providers under sections 538.205 to 538.305 shall not apply to persons, hospitals, and abortion facilities if and when engaged in the performance or inducement of abortion, except in the case of a medical emergency as the term is defined in section 188.015, RSMo.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute No. 2 for Senate Bill No. 976, Page 213, Section 8, Line 23 by inserting immediately after said Line the following:

“Section 9. When a pharmacist fills a prescription for any name brand or generic drug that has been prescribed as an immunosuppressant from a specific manufacturer and that drug has been substituted with a drug from a manufacturer other than the manufacturer specified in the prescription, MO HealthNet enrollees shall be notified in writing or verbally, upon delivery of the prescription. If such drug is substituted with notice to the MO HealthNet enrollee, the pharmacist, who fills such prescription shall also notify, unless authorized to make such substitution under subdivisions (1) and (2) of subsection 2 of section 338.056, RSMo, the prescribing health care professional before the delivery of the prescription. This requirement shall not apply to prescriptions dispensed for inpatients of a hospital, nursing home, assisted living facility, or inpatients of a mental health or residential facility. The provisions of Section 208.227, RSMo shall apply to any additional geographic areas of the state or populations covered and designated after the effective date of this section to receive MO HealthNet benefits through a care plan other than fee for service. For purposes of this section, “immunosuppressive drug” means a drug that is used in immunosuppressive therapy to inhibit or prevent activity of the immune system, and is used to prevent the rejection of transplanted organs and tissues.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute No. 2 for Senate Bill No. 976, Section 386.266, Page 97, Line 84

by inserting after all of said section the following:

“402.205. 1. [The families, friends and guardians of] Persons who have a disability [or], **as defined in section 402.200, or persons who** are eligible for services provided by the department of mental health, or both, may participate in a trust which may supplement the care, support, and treatment of such persons pursuant to the provisions of sections 402.199 to 402.220. Neither the contribution to the trust for the benefit of a life beneficiary nor the use of trust income to provide benefits shall in any way reduce, impair or diminish the benefits to which such person is otherwise entitled by law; and the administration of the trust shall not be taken into consideration in appropriations for the department of mental health to render services required by law.

2. Unless otherwise prohibited by federal statutes or regulations, all state agencies shall disregard the trust as a resource when determining eligibility of Missouri residents for assistance under chapter 208, RSMo.

3. The assets of the board of trustees and assets held in trust pursuant to the provisions of sections 402.199 to 402.220 shall not be considered state money, assets of the state or revenue for any purposes of the state constitution or statutes. The property of the board of trustees and its income and operations shall be exempt from all taxation by the state or any of its political subdivisions.

402.210. 1. There is hereby created the “Missouri Family Trust Board of Trustees”, which shall be a body corporate and an instrumentality of the state. The board of trustees shall consist of nine persons appointed by the governor with the advice and consent of the senate. The members' terms of office shall be three years and until their successors are appointed and qualified. The trustees shall be persons who are not prohibited from serving by sections 105.450 to 105.482, RSMo, and who are not otherwise employed by the department of mental health. The board of trustees shall be composed of the following:

(1) Three members of the immediate family of persons who have a disability [or are the recipients of services provided by the department in the treatment of mental illness] **of mental illness**. The advisory council for comprehensive psychiatric services, created pursuant to section 632.020, RSMo, shall submit a panel of nine names to the governor, from which he shall appoint three. One shall be appointed for a term of one year, one for two years, and one for three years. Thereafter, as the term of a trustee expires each year, the Missouri advisory council for comprehensive psychiatric services shall submit to the governor a panel of not less than three nor more than five proposed trustees, and the governor shall appoint one trustee from such panel for a term of three years;

(2) Three members of the immediate family of persons who [are recipients of services provided by the department in the habilitation of the mentally retarded or developmentally disabled] **have a developmental disability**. The Missouri advisory council on mental retardation and developmental disabilities, created pursuant to section 633.020, RSMo, shall submit a panel of nine names to the governor, from which he shall appoint three. One shall be appointed for one year, one for two years and one for three years. Thereafter, as the term of a trustee expires each year, the Missouri advisory council on mental retardation and developmental disabilities shall submit to the governor a panel of not less than three nor more than five proposed trustees, and the governor shall appoint one trustee from such panel for a term of three years;

(3) Three persons who are recognized for their expertise in general business matters and procedures. Of the three business people to be appointed by the governor, one shall be appointed for one year, one for two years and one for three years. Thereafter, as the term of a trustee expires each year, the governor shall appoint one business person as trustee for a term of three years.

2. The trustees shall receive no compensation for their services. The trust shall reimburse the trustees for necessary expenses actually incurred in the performance of their duties.

3. As used in this section, the term “immediate family” includes spouse, parents, parents of spouse, children, spouses of children and siblings.

4. The board of trustees shall be subject to the provisions of sections 610.010 to 610.120, RSMo.

5. The board of trustees shall annually prepare or cause to be prepared an accounting of the trust funds and shall transmit a copy of the accounting to the governor, the president pro tempore of the senate and the speaker of the house of representatives.

6. The board of trustees shall establish policies, procedures and other rules and regulations necessary to implement the provisions of sections 402.199 to 402.220.

402.215. 1. The board of trustees is authorized and directed to establish and administer the Missouri family trust and to advise, consult with, and render services to departments and agencies of the state of Missouri and to other nonprofit organizations which qualify as organizations pursuant to Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, and which provide services to Missouri residents with a disability. The board shall be authorized to execute all documents necessary to establish and administer the trust including the formation of a not-for-profit corporation created pursuant to chapter 355, RSMo, and to qualify as an organization pursuant to Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended.

2. The trust documents shall include and be limited by the following provisions:

(1) The Missouri family trust shall be authorized to accept contributions from any source including trustees, personal representatives, personal custodians pursuant to chapter 404, RSMo, and other fiduciaries, and, subject to the provisions of subdivision [(11)] **(10)** of this subsection, from the life beneficiaries and their respective spouses, to be held, administered, managed, invested and distributed in order to facilitate the coordination and integration of private financing for individuals who have a disability or are eligible for services provided by the Missouri department of mental health, or both, while maintaining the eligibility of such individuals for government entitlement funding. All contributions, and the earnings thereon, shall be administered as one trust fund; however, separate accounts shall be established for each designated beneficiary. The income earned[, after deducting administrative expenses,] shall be credited to the accounts of the respective life beneficiaries in proportion to the principal balance in the account for each such life beneficiary, to the total principal balances in the accounts for all life beneficiaries;

(2) Every donor may designate a specific person as the life beneficiary of the contribution made by such donor. In addition, each donor may name a cotrustee, including the donor, and a successor or successors to the cotrustee, to act with the trustees of the trust on behalf of the designated life beneficiary; provided, however, a life beneficiary shall not be eligible to be a cotrustee or a successor cotrustee[; provided, however, that]. Court approval of the specific [person] **persons** designated as life beneficiary and as cotrustee or successor trustee shall be required [in connection with] **at the time** any trust **is** created pursuant to section 473.657, RSMo, or section 475.093, RSMo;

(3) The cotrustee, with the consent of the trust, shall from time to time [but not less frequently than annually] determine the amount of income or principal or income and principal to be used to provide noncash benefits and the nature and type of benefits to be provided for the life beneficiary. Any net income which is not used shall be added to principal annually. In the event that the trust and the cotrustee shall be

unable to agree either on the amount of income or principal or income and principal to be used or the benefits to be provided, then either the trust or the cotrustee shall have the right to request that the matter be resolved by arbitration which shall be conducted in accordance with the Commercial Arbitration Rules of the American Arbitration Association. The requesting party shall send a written request for arbitration to the responding party and shall in such request set forth the name, address and telephone number of such requesting party's arbitrator. The responding party shall, within ten days after receipt of the request for arbitration, set forth in writing to the requesting party the name, address and telephone number of the responding party's arbitrator. Copies of the request for arbitration and response shall be sent to the director of the department. If the two designated arbitrators shall be unable to agree upon a third arbitrator within ten days after the responding party shall have identified such party's arbitrator, then the director of the department shall designate the third arbitrator by written notice to the requesting and responding parties' arbitrators. The three arbitrators shall meet, conduct a hearing, and render a decision within thirty days after the appointment of the third arbitrator. A decision of a majority of the arbitrators shall be binding upon the requesting and responding parties. Each party shall pay the fees and expenses of such party's arbitrator and the fees and expenses of the third arbitrator shall be borne equally by the parties. Judgment on the arbitrators' award may be entered in any court of competent jurisdiction;

(4) Any donor, during his or her lifetime, except for a trust created pursuant to section 473.657, RSMo, or section 475.093, RSMo, may revoke any gift made to the trust; provided, however, any donor may, at any time, voluntarily waive the right to revoke. In the event that at the time the donor shall have revoked his or her gift to the trust the life beneficiary shall not have received any benefits provided by use of trust income or principal, then an amount equal to one hundred percent of the principal balance shall be returned to the donor. Any undistributed net income shall be distributed to the charitable trust. In the event that at the time the donor shall have revoked his or her gift to the trust the life beneficiary shall have received any benefits provided by the use of trust income or principal, then an amount equal to ninety percent of the principal balance shall be returned to the donor. The balance of the principal balance together with all undistributed net income shall be distributed to the charitable trust;

(5) Any acting cotrustee, except a cotrustee of a trust created pursuant to section 473.657, RSMo, or section 475.093, RSMo, other than the original donor of a life beneficiary's account, shall have the right, for good and sufficient reason upon written notice to the trust and the department stating such reason, to withdraw all or a portion of the principal balance. In such event, the applicable portion, as set forth in subdivision (7) of this subsection, of the principal balance shall then be distributed to the successor trust and the balance of the principal balance together with any undistributed net income shall be distributed to the charitable trust;

(6) In the event that a life beneficiary for whose benefit a contribution or contributions shall have been made to the family trust shall cease to [be eligible for services provided by the department of mental health] **have a disability as defined in section 402.200** and neither the donor nor the then acting cotrustee, except a cotrustee of a trust created pursuant to section 473.657, RSMo, or section 475.093, RSMo, shall revoke or withdraw the applicable portion, as set for in subdivision (7) of this subsection, of the principal balance, then the board of trustees may, by written notice to such donor or acting cotrustee, terminate the trust as to such beneficiary and thereupon shall distribute the applicable portion, as set forth in subdivision (7) of this subsection, of the principal balance, to the trustee of the successor trust to be held, administered and distributed by such trustee in accordance with the provisions of the successor trust described in subdivision (12) of this subsection;

(7) If at the time of withdrawal or termination as provided in subdivision (6) of this subsection of a life beneficiary's account from the trust either the life beneficiary shall not have received any benefits provided by the use of the trust income or principal or the life beneficiary shall have received benefits provided by the use of trust income or principal for a period of not more than five years from the date a contribution shall have first been made to the trust for such life beneficiary, then an amount equal to ninety percent of the principal balance shall be distributed to the successor trust, and the balance of the principal balance together with all undistributed net income shall be distributed to the charitable trust; provided, however, if the life beneficiary at the time of such withdrawal by the cotrustee or termination as provided above shall have received any benefits provided by the use of trust income or principal for a period of more than five years from the date a contribution shall have first been made to the trust for such life beneficiary, then an amount equal to seventy-five percent of the principal balance shall be distributed to the successor trust, and the balance of the principal balance together with all undistributed net income shall be distributed to the charitable trust;

(8) Subject to the provisions of subdivision (9) of this subsection, if the life beneficiary dies before receiving any benefits provided by the use of trust income or principal, then an amount equal to one hundred percent of the principal balance shall be distributed to such person or persons as the donor shall have designated. Any undistributed net income shall be distributed to the charitable trust. If at the time of death of the life beneficiary, the life beneficiary shall have been receiving benefits provided by the use of trust income or principal or income and principal, then, in such event, an amount equal to seventy-five percent of the principal balance shall be distributed to such person or persons as the donor designated, and the balance of the principal balance, together with all undistributed net income, shall be distributed to the charitable trust;

(9) In the event the trust is created as a result of a distribution from a personal representative of an estate of which the life beneficiary is a distributee, then if the life beneficiary dies before receiving any benefits provided by the use of trust income or principal, an amount equal to one hundred percent of the principal balance shall be distributed to such person or persons who are the life beneficiary's heirs at law. Any undistributed income shall be distributed to the charitable trust. If at the time of death of the life beneficiary the life beneficiary shall have been receiving benefits provided by the use of trust income or principal or income and principal, then, an amount equal to seventy-five percent of the principal balance shall be distributed to such person or persons who are the life beneficiary's heirs at law. The balance of the principal balance together with all undistributed income shall be distributed to the charitable trust. If there are no heirs at the time of either such distribution, the then-principal balance together with all undistributed income shall be distributed to the charitable trust;

(10) In the event the trust is created [as a result of the recovery of damages by reason of a personal injury to the life beneficiary, then if the life beneficiary dies before receiving any benefits provided by the use of trust income or principal, the state of Missouri shall receive all amounts remaining in the life beneficiary's account up to an amount equal to the total medical assistance paid on behalf of such life beneficiary under a state plan under Title 42 of the United States Code, and then to the extent there is any amount remaining in the life beneficiary's account, an amount equal to one hundred percent of the principal balance shall be distributed to such person or persons who are the life beneficiary's heirs at law. If there are no heirs, the balance, if any, of the principal balance together with all undistributed income shall be distributed to the charitable trust. If at the time of death of the life beneficiary the life beneficiary should have been receiving benefits provided by the use of trust income or principal or income and principal then

the state of Missouri shall receive all amounts remaining in the life beneficiary's account up to an amount equal to the total medical assistance paid on behalf of such life beneficiary under a state plan under Title 42 of the United States Code, and then to the extent there is any amount remaining in the life beneficiary's account, an amount equal to seventy-five percent of the principal balance shall be distributed to such person or persons who are the life beneficiary's heirs at law and the balance of the principal balance together with all undistributed income shall be distributed to the charitable trust. If there are no heirs, the balance of the principal balance, together with all undistributed income, shall be distributed to the charitable trust;

(11) In the event an account is established] **with the proceeds from the recovery of damages by reason of a personal injury to the life beneficiary or** with the assets of the beneficiary by the beneficiary, a family member, the beneficiary's guardian, or pursuant to a court order, all in accordance with Title 42 of the United States Code Section **1396p(d)(4)(A) or Section 1396p(d)(4)(C)**, then upon the death of the life beneficiary the state of [Missouri] **residence of the beneficiary** shall receive all amounts remaining in the life beneficiary's account up to an amount equal to the total medical assistance paid on behalf of such life beneficiary under a state plan under Title 42 of the United States Code[, and then] **("State Plan")**; **except that twenty-five percent of the principal balance shall first be distributed to the charitable trust.** To the extent there is any amount remaining in the life beneficiary's account, [an amount equal to seventy-five percent of] the principal balance shall be distributed to such person or persons who are the life beneficiary's heirs at law [and the balance of the principal balance together with all undistributed income shall be distributed to the charitable trust]. If there are no heirs, the balance of the principal balance together with all undistributed income shall be distributed to the charitable trust. **In the event that two or more states are entitled to receive reimbursement for medical assistance paid on behalf of a beneficiary and the total of such medical assistance is in excess of the balance in the beneficiary account, then each such state shall be paid an amount equal to that portion of the beneficiary's account as is equal to the portion of the total medical assistance paid by each such state;**

[(12)] (11) Notwithstanding the provisions of subdivisions (4) to (8) of this subsection to the contrary, the donor may voluntarily agree to a smaller percentage of the principal balance in any account established by such donor than is provided in this subsection to be returned to the donor or distributed to the successor trust, as the case may be; and a corresponding larger percentage of the principal balance in such account to be distributed either to the charitable trust or to a designated restricted account within the charitable trust;

[(13)] (12) Upon receipt of a notice of withdrawal from a designated cotrustee, other than the original donor, and a determination by the board of trustees that the reason for such withdrawal is good and sufficient, or upon the issuance of notice of termination by the board of trustees, the board of trustees shall distribute and pay over to the designated trustee of the successor trust the applicable portion of the principal balance as set forth in subdivision (7) of this subsection; provided, however, that court approval of distribution to a successor trustee shall be required in connection with any trust created pursuant to section 473.657, RSMo, or section 475.093, RSMo.

The designated trustee of the successor trust shall hold, administer and distribute the principal and income of the successor trust, in the discretion of such trustee, for the maintenance, support, health, education and general well-being of the beneficiary, recognizing that it is the purpose of the successor trust to supplement, not replace, any government benefits for the beneficiary's basic support to which such beneficiary may be entitled and to increase the quality of such beneficiary's life by providing the beneficiary with those amenities which cannot otherwise be provided by public assistance or entitlements or other available sources. Permissible expenditures include, but are not limited to, more sophisticated dental, medical and

diagnostic work or treatment than is otherwise available from public assistance, private rehabilitative training, supplementary education aid, entertainment, periodic vacations and outings, expenditures to foster the interests, talents and hobbies of the beneficiary, and expenditures to purchase personal property and services which will make life more comfortable and enjoyable for the beneficiary but which will not defeat his or her eligibility for public assistance. Expenditures may include payment of the funeral and burial costs of the beneficiary. The designated trustee, in his or her discretion, may make payments from time to time for a person to accompany the beneficiary on vacations and outings and for the transportation of the beneficiary or of friends and relatives of the beneficiary to visit the beneficiary. Any undistributed income shall be added to the principal from time to time. Expenditures shall not be made for the primary support or maintenance of the beneficiary, including basic food, shelter and clothing, if, as a result, the beneficiary would no longer be eligible to receive public benefits or assistance to which the beneficiary is then entitled. After the death and burial of the beneficiary, the remaining balance of the successor trust shall be distributed to such person or persons as the donor shall have designated;

[(14)] **(13)** The charitable trust shall be administered as part of the family trust, but as a separate account. The income attributable to the charitable trust shall be used to provide benefits for individuals who have a disability [or who are eligible for services provided by or through the department and who either have no immediate family or whose immediate family, in the reasonable opinion of the trustees, is financially unable to make a contribution to the trust sufficient to provide benefits for such individuals, while maintaining such individuals' eligibility for government entitlement funding] **and who have no income or very limited income other than benefits**. The trustees may from time to time determine to use part of the principal of the charitable trust to provide such benefits. [As used in this section, the term "immediate family" includes parents, children and siblings. The individuals to be beneficiaries of the charitable trust shall be recommended to the trustees by the department and others from time to time.] The trustees shall annually determine the amount of charitable trust income or principal to be used to provide benefits and the nature and type of benefits to be provided for each identified beneficiary of the charitable trust. Any income not used shall be added to principal annually;

[(15)] **(14)** Any person, with the consent of the board of trustees, may establish a restricted account within the charitable trust and shall be permitted to determine, with the consent of the board of trustees, the beneficiaries of such restricted account provided such beneficiaries qualify as participants of the trust as set forth in subsection 1 of section 402.205.

402.217. 1. No beneficiary shall have any vested or property rights or interests in [the family] **any trust established for the benefit of such beneficiary**, nor shall any beneficiary have the power to anticipate, assign, convey, alienate, or otherwise encumber any interest in the income or principal of the [family] trust, nor shall such income or the principal or any interest of any beneficiary thereunder be liable for any debt incurred by such beneficiary, nor shall the principal or income of the [family] trust be subject to seizure by any creditor or any beneficiary under any writ or proceeding in law or in equity.

2. Except for the right of a donor to revoke any gift made to the trust, pursuant to subdivision (4) of subsection 2 of section 402.215, and the right of any acting cotrustee, other than the original donor, to withdraw all or a portion of the principal balance, pursuant to subdivision (5) of subsection 2 of section 402.215, neither the donor nor any acting cotrustee shall have the right to sell, assign, convey, alienate or otherwise encumber, for consideration or otherwise, any interest in the income or principal of the family trust, nor shall such income or the principal or any interest of any beneficiary thereunder be liable for any debt incurred by the donor or any acting cotrustee, nor shall the principal or income of the family trust be

subject to seizure by any creditor of any donor or any acting cotrustee under any writ or proceeding in law or in equity.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

Senator Mayer moved that **HCS** for **HB 1722**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 1722** was again taken up.

At the request of Senator Mayer, **HCS** for **HB 1722**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on Part 1 and Part 3 of **HCS** for **SCS** for **SB 765** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 765**. Representatives: Schneider, Wasson, Nieves, Skaggs and Frame.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 765**: Senators Goodman, Griesheimer, Purgason, Days and Green.

Senator Shields announced that photographers from the News Tribune and KRCG-TV were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

Senator Mayer moved that **HCS** for **HB 1722**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 1722** was again taken up.

Senator Bartle offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House

Bill No. 1722, Page 60, Section 167.115, Line 18, by inserting after all of said line the following:

“167.151. 1. The school board of any district, in its discretion, may admit to the school pupils not entitled to free instruction and prescribe the tuition fee to be paid by them, except as provided in sections 167.121 and 167.131.

2. Orphan children, children with only one parent living, and children whose parents do not contribute to their support--if the children are between the ages of six and twenty years and are unable to pay tuition--may attend the schools of any district in the state in which they have a permanent or temporary home without paying a tuition fee.

3. Any person who pays a school tax in any other district than that in which he resides may send his children to any public school in the district in which the tax is paid and receive as a credit on the amount charged for tuition the amount of the school tax paid to the district; except that any person who owns real estate of which eighty acres or more are used for agricultural purposes and upon which his residence is situated may send his children to public school in any school district in which a part of such real estate, contiguous to that upon which his residence is situated, lies and shall not be charged tuition therefor; so long as thirty-five percent of the real estate is located in the school district of choice. The school district of choice shall count the children in its average daily attendance for the purpose of distribution of state aid through the foundation formula.

4. Any owner of agricultural land who, pursuant to subsection 3 of this section, has the option of sending his children to the public schools of more than one district shall exercise such option as provided in this subsection. Such person shall send written notice to all school districts involved specifying to which school district his children will attend by June thirtieth in which such a school year begins. If notification is not received, such children shall attend the school in which the majority of his property lies. Such person shall not send any of his children to the public schools of any district other than the one to which he has sent notice pursuant to this subsection in that school year or in which the majority of his property lies without paying tuition to such school district.

[5. If a pupil is attending school in a district other than the district of residence and the pupil's parent is teaching in the school district or is a regular employee of the school district which the pupil is attending, then the district in which the pupil attends school shall allow the pupil to attend school upon payment of tuition in the same manner in which the district allows other pupils not entitled to free instruction to attend school in the district. The provisions of this subsection shall apply only to pupils attending school in a district which has an enrollment in excess of thirteen thousand pupils and not in excess of fifteen thousand pupils and which district is located in a county of the first classification with a charter form of government which has a population in excess of six hundred thousand persons and not in excess of nine hundred thousand persons.]; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1722, Page 52, Section 163.011, Line 8 of said page, by inserting after all of said line the following:

“167.018. 1. Sections 167.018 and 167.019 shall be known and may be cited as “The Foster Care Education Bill of Rights.”

2. Each school district shall designate a staff person as the educational liaison for foster care children. The liaison shall do all of the following in an advisory capacity:

(1) Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children;

(2) Assist foster care pupils when transferring from one school to another or from one school district to another, by ensuring proper transfer of credits, records, and grades;

(3) Request school records, as provided in section 167.022, within two business days of placement of a foster care pupil in a school; and

(4) Submit school records of foster care pupils within three business days of receiving a request for school records, under subdivision (3) of this subsection.

167.019. 1. A child placing agency, as defined under section 210.481, RSMo, shall promote educational stability for foster care children by considering the child's school attendance area when making placement decisions. The foster care pupil shall have the right to remain enrolled in and attend his or her school of origin pending resolution of school placement disputes. The department of elementary and secondary education shall promulgate rules and regulations for assigning transportation costs associated with pupil placement under this subsection.

2. Each school district shall accept for credit full or partial course work satisfactorily completed by a pupil while attending a public school, nonpublic, or nonsectarian school in accordance with district policies or regulations.

3. If a pupil completes the graduation requirements of his or her school district of residence while under the jurisdiction of the juvenile court as described in chapter 211, RSMo, the school district of residence shall issue to the pupil a diploma from the school the pupil last attended before detention or, in the alternative, the superintendent of the school district may issue the diploma.

4. School districts shall ensure that if a pupil in foster care is absent from school due to a decision to change the placement of a pupil made by a court or child placing agency, or due to a verified court appearance or related court-ordered activity, the grades and credits of the pupil shall be calculated as of the date the pupil left school, and no lowering of his or her grades shall occur as a result of the absence of the pupil under these circumstances.

5. School districts shall be authorized to permit access of pupil school records to any child placing agency for the purpose of fulfilling educational case management responsibilities required by the juvenile officer or by law and to assist with the school transfer or placement of a pupil.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.”; and

Further amend said bill, page 92, section 210.102, line 18 of said page, by inserting immediately after all of said line the following:

“210.1050. 1. For purposes of this section, for pupils in foster care or children placed for treatment in a licensed residential care facility by the department of social services, “full school day” shall mean six hours in which the child is under the guidance and direction of teachers in the educational process.

2. Each pupil in foster care or child placed for treatment in a licensed residential care facility by the department of social services shall be entitled to a full school day of education unless the school district determines that fewer hours are warranted.

3. The commissioner of education shall designate an ombudsman to assist the family support team and the school district as they work together to meet the needs of children placed for treatment in a licensed residential care facility by the department of social services. The ombudsman shall have the final decision over discrepancies regarding school day length. A full school day of education shall be provided pending the ombudsman's final decision.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1722, Page 21, Section 160.545, Line 11 of said page, by inserting immediately after the word “or” as it appears the first time on said page, the following: **“within the limits established in subsection 9 of this section any two-year public or private”**; and

Further amend said bill and section, page 22, line 6 of said page, by inserting after all of said line the following:

“9. For a two-year public or private vocational or technical school to obtain reimbursements under subsection 6 of this section, except for those schools that are receiving reimbursements on August 28, 2008, the following requirements shall be satisfied:

(1) Such two-year public or private vocational or technical school shall be a member of the north central association and be accredited by the higher learning commission as of July 1, 2008, and maintain such accreditation;

(2) Such two-year public or private vocational or technical school shall be designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

(3) No two-year public or private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of such college; and

(4) The reimbursements provided to any two-year private vocational or technical school shall not violate the provisions of article IX, section 8, or article I, section 7, of the Missouri Constitution or the first amendment of the United States Constitution.”.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1722, Page 52, Section 163.011, Line 8, by inserting after all of said line the following:

“163.095. For any district in the county with a charter form of government and with more than one million inhabitants that in calendar year 2005 (school year 2005-2006) erroneously set a levy in the capital projects fund rather than the incidental fund and reported the capital projects amount to the county for which the county issued tax notices and the district received taxes for calendar year 2005, the department of elementary and secondary education shall calculate the amount the district would have received in state school aid for fiscal year 2006 had the district placed the levy in the incidental fund rather than the capital projects fund and use this revised 2005-2006 calculated funding amount in the distribution of state school aid for fiscal year 2007 and subsequent years. The calculation shall not change the actual funding due the district for the 2005-2006 year.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Champion offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1722, Page 87, Section 177.088, Line 22, by inserting after all of said line the following:

“192.631. 1. Subject to appropriations, by July 1, 2009, the department of health and senior services shall establish a school-based influenza vaccination pilot program. Participation in the program shall be voluntary on the part of the school district and shall be administered with the consent of the student's parents or legal guardian. When creating the program, the department shall also take into account:

- (1) The costs and benefits of establishing a school-based influenza vaccination pilot program;**
- (2) The barriers to implementing the proposed pilot program; and**
- (3) The fiscal impact to the state of such program.**

2. The department shall work to increase influenza vaccination awareness and participation among parents of children aged six months to five years in child care facilities. The official website of the department shall have information on the benefits of annual vaccination against influenza for children and its programs offered for the children. The department shall cooperate with the department of social services and department of elementary and secondary education in order to distribute the information to the parents and child care facilities effectively in August or September in every year.

3. The department shall promulgate rules for the implementation of the pilot program created under this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with

and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

4. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

(1) Any new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Champion moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1722, Page 83, Section 171.258, Line 11 of said page, by inserting after all of said line the following:

“173.270. 1. The coordinating board for higher education shall make provisions for institutions under the board's jurisdiction to award a tuition and fee waiver for undergraduate courses at state institutions of higher education for any student, beginning with incoming freshmen in the 2009 fall semester or term, who:

(1) Is a resident of this state;

(2) Has graduated within the previous three years from high school or passed the GED examination; and

(3) Has been in foster care or other residential care under the department of social services on or after:

(a) The day preceding the student's eighteenth birthday;

(b) The day of the student's fourteenth birthday, if the student was also eligible for adoption on or after that day; or

(c) The day the student graduated from high school or received a GED.

2. To be eligible for a waiver award, a student shall:

(1) Apply to and be accepted at the institution not later than:

(a) The third anniversary of the date the student was discharged from foster or other residential care, the date the student graduated from high school, or the date the student received a GED, whichever is earliest; or

(b) The student's twenty-first birthday;

(2) Apply for other student financial assistance, other than student loans, in compliance with federal financial aid rules, including the federal Pell grant;

(3) Apply to the coordinating board for higher education for a determination of eligibility. Application shall be on forms and in a manner prescribed by rule of the coordinating board; and

(4) Complete a minimum of one hundred hours of community service or public internship within a twelve-month period beginning September first for each year in which the student is receiving a tuition and fee waiver award under this section. The department of higher education, shall by rule determine the community service and public internships that students may participate in to meet the requirements of this subdivision. A student may fulfill this requirement by completing the necessary community service or public internship hours during the summer.

3. The tuition and fee waiver provided by this section shall be awarded on an annual basis, subject to appropriation, and shall continue to be available, if the student is otherwise eligible under this section, as long as the student remains in good academic standing at the state institution of higher education. The institution shall monitor compliance with subdivision (4) of subsection 2 of this section and report it to the department of higher education.

4. The waiver provided by this section for each eligible student may be used for no more than four years of undergraduate study and may only be used after other sources of financial aid that are dedicated solely to tuition and fees are exhausted.

5. No student who is enrolled in an institution of higher education as of August 28, 2008, shall be eligible for a waiver award under this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted.

Senator Engler raised the point of order that **SA 6** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Shoemyer offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1722, Page 28, Section 160.820, Line 6 of said page, by inserting after all of said line the following:

“161.370. 1. There is hereby created in the state treasury the “School Safety and School Violence Prevention Fund”, which shall consist of money collected under this section. The state treasurer shall

be custodian of the fund. In accordance with sections 30.170 and 30.180, RSMo, the state treasurer may approve disbursements. Upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. Subject to appropriations, beginning with the 2010 fiscal year and in each subsequent year, the general assembly may appropriate up to one million five hundred thousand dollars to the department of elementary and secondary education to be placed in the school safety and school violence prevention fund.

3. There is hereby created within the department of elementary and secondary education the statewide center for school safety and school violence prevention, which shall be available to provide services and resources for all public school districts in the state.

4. The department shall provide funding from the school safety and school violence prevention fund to the statewide center each year. The center shall use such funds for staff salaries and benefits, equipment, supplies, program materials, workshops, training sessions, and other items directly related to carrying out the mission of the center.

5. The center shall offer services and resources to all public schools of the state which shall include but not be limited to:

(1) Make violence prevention and intervention programs and models available, as well as provide training in the areas of bullying prevention, character education, conflict resolution, fight prevention and intervention, Internet safety education, which shall include cyberbullying prevention, peer mediation, post-trauma defusing and debriefing, suicide prevention, human sensitivity awareness, violence prevention curriculum framework, and other related areas as determined by the center and the department;

(2) Provide guidance for districts as they conduct building and district safety reviews, including emergency preparedness;

(3) Provide examples of comprehensive school emergency plans;

(4) Assist in staff development on school safety and violence prevention issues;

(5) Periodically publish a safe schools newsletter or other publications;

(6) Maintain an active web site;

(7) Provide annual training programs for school safety coordinators and provide an information network for these coordinators;

(8) Serve as a clearinghouse on school safety information for school staff, parents, community members, and other individuals or agencies; and

(9) Collaborate with national, state, and local agencies on school safety issues.

6. The center shall furnish the department with an annual budget each fiscal year, as well as a list of actual expenditures, at the end of each fiscal year. The center shall also provide for the

department an annual year-end summary that highlights the different services and programs provided by the center during the year, as well as the number of schools that utilized each service or program. The department shall make such information available to the legislature annually.”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion failed.

Senator Shoemyer offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1722, Page 29, Section 161.650, Line 22 of said page, by inserting after all of said line the following:

“161.670. 1. Notwithstanding any other law, prior to July 1, 2007, the state board of education shall establish a virtual public school to serve school-age students residing in the state. The virtual public school shall offer instruction in a virtual setting using technology, intranet, and/or Internet methods of communication. Any student under the age of twenty-one in grades kindergarten through twelve who resides in this state shall be eligible to enroll in the virtual public school regardless of the student's physical location.

2. For purposes of calculation and distribution of state school aid, students enrolled in a virtual public school shall be included, at the choice of the student's parent or guardian, in the student enrollment of the school district in which the student physically resides. The virtual public school shall report to the district of residence the following information about each student served by the virtual public school: name, address, eligibility for free or reduced-price lunch, limited English proficiency status, special education needs, and the number of courses in which the student is enrolled. The virtual public school shall promptly notify the resident district when a student discontinues enrollment. A “full-time equivalent student” is a student who successfully has completed the instructional equivalent of six credits per regular term. Each virtual course shall count as one class and shall generate that portion of a full-time equivalent that a comparable course offered by the school district would generate. In no case shall more than the full-time equivalency of a regular term of attendance for a single student be used to claim state aid. Full-time equivalent student credit completed shall be reported to the department of elementary and secondary education in the manner prescribed by the department. Nothing in this section shall prohibit students from enrolling in additional courses under a separate agreement that includes terms for paying tuition or course fees.

3. When a school district has a student who has completed courses through the virtual public school authorized by this section, the school district may identify any credits that were earned through the virtual public school on the student's diploma, transcript, or in the student's records. A school district may exclude credits earned through the virtual school when calculating in-district academic awards.

4. When a school district has one or more resident students enrolled in a virtual public school program authorized by this section, whose parent or guardian has chosen to include such student in the district's enrollment, the department of elementary and secondary education shall disburse an amount corresponding to fifteen percent of the state aid under sections 163.031 and 163.043, RSMo, attributable to such student to the resident district. Subject to an annual appropriation by the general assembly, the department shall

disburse an amount corresponding to eighty-five percent of the state adequacy target attributable to such student to the virtual public school.

[4.] **5.** Except as specified in this section and as may be specified by rule of the state board of education, the virtual public school shall comply with all state laws and regulations applicable to school districts, including but not limited to the Missouri school improvement program (MSIP), adequate yearly progress (AYP), annual performance report (APR), teacher certification, and curriculum standards.

[5.] **6.** The state board of education through the rulemaking process and the department of elementary and secondary education in its policies and procedures shall ensure that multiple content providers are allowed.

[6.] **7.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1722, Page 75, Section 169.010, Line 23, by inserting immediately after said line the following:

“169.070. 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or who has attained age fifty-five and whose creditable service is twenty-five years or more or whose creditable service is thirty years or more regardless of age, may be the sum of the following items, not to exceed one hundred percent of the member's final average salary:

(1) Two and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years.

In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2) of this subsection, a member may elect to receive a retirement allowance of:

(3) Between July 1, 1998, and July 1, 2013, two and four-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years, and the member has not attained age fifty-five;

(4) Between July 1, 1998, and July 1, 2013, two and thirty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight

years or more but less than twenty-nine years, and the member has not attained age fifty-five;

(5) Between July 1, 1998, and July 1, 2013, two and three-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years, and the member has not attained age fifty-five;

(6) Between July 1, 1998, and July 1, 2013, two and twenty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years, and the member has not attained age fifty-five;

(7) Between July 1, 1998, and July 1, 2013, two and two-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years, and the member has not attained age fifty-five;

(8) Between July 1, 2001, and July 1, 2013, two and fifty-five hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is thirty-one years or more regardless of age.

2. In lieu of the retirement allowance provided in subsection 1 of this section, a member whose age is sixty years or more on September 28, 1975, may elect to have the member's retirement allowance calculated as a sum of the following items:

(1) Sixty cents plus one and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years;

(3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this subsection for each month of attained age in excess of sixty years but not in excess of age sixty-five.

3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this section, collectively called "option 1", a member whose creditable service is twenty-five years or more or who has attained the age of fifty-five with five or more years of creditable service may elect in the member's application for retirement to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the retired member elected option 1;

OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the total of the remainder of such one hundred twenty monthly payments shall be paid to the estate of the last person to receive a monthly allowance. If the total of the one hundred twenty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum;

OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the total of the remainder of such sixty monthly payments shall be paid to the estate of the last person to receive a monthly allowance. If the total of the sixty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated to receive the survivorship payments dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after acquiring twenty-five or more years of creditable service or after attaining the age of fifty-five years and acquiring five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship benefits under option 2 or a payment of the accumulated contributions of the member. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section;

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either a payment of the member's accumulated contributions, or survivorship benefits

under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the member's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section.

4. If the total of the retirement or disability allowance paid to an individual before the death of the individual is less than the accumulated contributions at the time of retirement, the difference shall be paid to the beneficiary of the individual, or to the (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal shares, or (4) estate of the individual in that order of precedence. If an optional benefit as provided in option 2, 3 or 4 in subsection 3 of this section had been elected, and the beneficiary dies after receiving the optional benefit, and if the total retirement allowance paid to the retired individual and the beneficiary of the retired individual is less than the total of the contributions, the difference shall be paid to the (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal shares, or (4) estate of the beneficiary, in that order of precedence, unless the retired individual designates a different recipient with the board at or after retirement.

5. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the death of the member shall be paid to the beneficiary of the member or, if there is no beneficiary, to the (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal shares, or (4) to the estate of the member in that order of precedence; except that, no such payment shall be made if the beneficiary elects option 2 in subsection 3 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal shares, or (4) estate of the beneficiary, in that order of precedence.

6. If a member ceases to be a public school employee as herein defined and certifies to the board of trustees that such cessation is permanent, or if the membership of the person is otherwise terminated, the member shall be paid the member's accumulated contributions with interest.

7. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a member ceases to be a public school employee after acquiring five or more years of membership service in Missouri, the member may at the option of the member leave the member's contributions with the retirement system and claim a retirement allowance any time after reaching the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.010 to 169.141 on the basis of the member's age, years of service, and the provisions of the law in effect at the time the member requests the member's retirement to become effective.

8. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty, or fifty percent of one-twelfth of the annual salary rate used in determining the member's contributions during the last school year for which the member received a year of creditable service immediately prior to the member's disability, whichever is greater, except that no such allowance shall exceed the retirement allowance to which the member would have been entitled upon retirement at age sixty if the member had continued to teach from the date of disability until age sixty at the same salary rate.

9. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, from October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be multiplied by the factor of two-thirds for any member of the system for whom federal Old Age and Survivors Insurance tax is paid

from state or local tax funds on account of the member's employment entitling the person to membership in the system. The monetary benefits for a member who elected not to exercise an option to pay into the system a retroactive contribution of four percent on that part of the member's annual salary rate which was in excess of four thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each year of employment in a position covered by this system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of this section as it appears in RSMo, 1969, shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, and prior to July 1, 1961, the benefits provided in this section as it appears in RSMo, 1959; except that if the member has at least thirty years of creditable service at retirement the member shall receive the benefit payable pursuant to that section as though the member's age were sixty-five at retirement;

(4) For years of membership service after July 1, 1961, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

10. The monetary benefits for each other member for whom federal Old Age and Survivors Insurance tax is or was paid at any time from state or local funds on account of the member's employment entitling the member to membership in the system shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

11. Any retired member of the system who was retired prior to September 1, 1972, or beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 1, 1972, will be eligible to receive an increase in the retirement allowance of the member of two percent for each year, or major fraction of more than one-half of a year, which the retired member has been retired prior to July 1, 1975. This increased amount shall be payable commencing with January, 1976, and shall thereafter be referred to as the member's retirement allowance. The increase provided for in this subsection shall not affect the retired member's eligibility for compensation provided for in section 169.580 or 169.585, nor shall the amount being paid pursuant to these sections be reduced because of any increases provided for in this section.

12. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases two percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by two percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board with the provision that the increases provided for in this subsection shall not become effective until the fourth January first following the member's retirement or January 1, 1977, whichever later occurs, or in the

case of any member retiring on or after July 1, 2000, the increase provided for in this subsection shall not become effective until the third January first following the member's retirement, or in the case of any member retiring on or after July 1, 2001, the increase provided for in this subsection shall not become effective until the second January first following the member's retirement. Commencing with January 1, 1992, if the board of trustees determines that the cost of living has increased five percent or more in the preceding fiscal year, the board shall increase the retirement allowances by five percent. The total of the increases granted to a retired member or the beneficiary after December 31, 1976, may not exceed eighty percent of the retirement allowance established at retirement or as previously adjusted by other subsections. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

13. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 12 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; except that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1976.

14. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

15. Notwithstanding any other provision of law, any person retired prior to September 28, 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 28, 1983, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have his or her retirement allowance increased to the amount he or she would have been receiving had the option not been elected, actuarially adjusted to recognize any excessive benefits which would have been paid to him or her up to the time of application.

16. Benefits paid pursuant to the provisions of the public school retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code except as provided pursuant to this subsection. Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan pursuant to Section 415(m) of Title 26 of the United States Code. Such plan shall be created solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

17. Notwithstanding any other provision of law to the contrary, any person retired before, on, or after May 26, 1994, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive an amount based on the person's years of service so that the total amount received pursuant to sections 169.010 to 169.141 shall be at least the minimum amounts specified in subdivisions (1) to (4) of this subsection. In determining the minimum amount to be received, the amounts in subdivisions (3) and (4) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's

retirement allowance. In determining the minimum amount to be received, beginning September 1, 1996, the amounts in subdivisions (1) and (2) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance due to election of an optional form of retirement having a continued monthly payment after the person's death. Notwithstanding any other provision of law to the contrary, no person retired before, on, or after May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based on the person's years of service less than the following amounts:

- (1) Thirty or more years of service, one thousand two hundred dollars;
- (2) At least twenty-five years but less than thirty years, one thousand dollars;
- (3) At least twenty years but less than twenty-five years, eight hundred dollars;
- (4) At least fifteen years but less than twenty years, six hundred dollars.

18. Notwithstanding any other provisions of law to the contrary, any person retired prior to May 26, 1994, and any designated beneficiary of such a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement or aging and upon request shall give written or oral opinions to the board in response to such requests. Beginning September 1, 1996, as compensation for such service, the member shall have added, pursuant to this subsection, to the member's monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased member shall as compensation for such service have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. The total compensation provided by this section including the compensation provided by this subsection shall be used in calculating any future cost-of-living adjustments provided by subsection 12 of this section.

19. Any member who has retired prior to July 1, 1998, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive a payment equivalent to eight and seven-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 12 and 13 of this section for the purposes of the limit on the total amount of increases which may be received.

20. Any member who has retired shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such request. As compensation for such duties, the beneficiary of the retired member, or, if there is no beneficiary, the (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal shares, or (4) estate of the retired member, in that order of precedence, shall receive as a part of compensation for these duties a death benefit of five thousand dollars.

21. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall

give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to five dollars times the member's number of years of creditable service.

22. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a payment equivalent to three and five-tenths percent of the previous month's benefit, which shall be added to the member or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 12 and 13 of this section for the purposes of the limit on the total amount of increases which may be received.

23. Any member who has retired prior to July 1, 2001, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a dollar amount equal to three dollars times the member's number of years of creditable service, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 12 and 13 of this section for the purposes of the limit on the total amount of increases which may be received.

24. Notwithstanding the provisions of subsection 6 of section 169.030 to the contrary, any member who has retired, attained the age of seventy-five and above, and received cost-of-living increases totaling eighty percent as provided in subsection 12 of this section prior to January 1, 2009, shall be made, constituted, and employed by the board as a special consultant on the matters of education, retirement, and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, beginning January 1, 2009, and through January 1, 2014, the member shall receive an amount equal to five dollars per month multiplied by years of service which shall be added to the member's monthly annuity.

169.670. 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or whose creditable service is thirty years or more regardless of age, shall be the sum of the following items:

(1) For each year of membership service, one and sixty-one hundredths percent of the member's final average salary;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service;

(3) Eighty-five one-hundredths of one percent of any amount by which the member's average compensation for services rendered prior to July 1, 1973, exceeds the average monthly compensation on which federal Social Security taxes were paid during the period over which such average compensation was computed, for each year of membership service credit for services rendered prior to July 1, 1973, plus six-tenths of the amount payable for a year of membership service for each year of prior service credit;

(4) In lieu of the retirement allowance otherwise provided by subdivisions (1) to (3) of this subsection, between July 1, 2001, and July 1, 2013, a member may elect to receive a retirement allowance of:

(a) One and fifty-nine hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years and the member has not attained the age of fifty-five;

(b) One and fifty-seven hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained the age of fifty-five;

(c) One and fifty-five hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years and the member has not attained the age of fifty-five;

(d) One and fifty-three hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years and the member has not attained the age of fifty-five;

(e) One and fifty-one hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years and the member has not attained the age of fifty-five; and

(5) In addition to the retirement allowance provided in subdivisions (1) to (3) of this subsection, a member retiring on or after July 1, 2001, whose creditable service is thirty years or more or whose sum of age and creditable service is eighty years or more, shall receive a temporary retirement allowance equivalent to eight-tenths of one percent of the member's final average salary multiplied by the member's years of service until such time as the member reaches the minimum age for Social Security retirement benefits.

2. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases five percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by five percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board; provided that, the increase provided in this subsection shall not become effective until the fourth January first following a member's retirement or January 1, 1982, whichever occurs later, and the total of the increases granted to a retired member or the beneficiary after December 31, 1981, may not exceed eighty percent of the retirement allowance established at retirement or as previously adjusted by other provisions of law. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

3. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 2 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; provided that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1981.

4. (1) In lieu of the retirement allowance provided in subsection 1 of this section, called "option 1", a member whose creditable service is twenty-five years or more or who has attained age fifty-five with five or more years of creditable service may elect, in the application for retirement, to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement

with the provision that:

Option 2. Upon the member's death, the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the reserve for the remainder of such one hundred twenty monthly payments shall be paid to the estate of the last person to receive a monthly allowance. If the total of the one hundred twenty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum;

OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the reserve for the remainder of such sixty monthly payments shall be paid to the estate of the last person to receive a monthly allowance. If the total of the sixty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum;

OR

Option 7. A plan of variable monthly benefit payments which provides, in conjunction with the member's retirement benefits under the federal Social Security laws, level or near-level retirement benefit

payments to the member for life during retirement, and if authorized, to an appropriate beneficiary designated by the member. Such a plan shall be actuarially equivalent to the retirement allowance under option 1 and shall be available for election only if established by the board of trustees under duly adopted rules.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after attaining age fifty-five and acquiring five or more years of creditable service or after acquiring twenty-five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship payments under option 2 or a payment of the member's accumulated contributions. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 of this section.

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the beneficiary has an insurable interest in the life of the deceased member or disability retiree, the designated beneficiary may elect to receive either a payment of the person's accumulated contributions or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the person's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 of this section.

5. If the total of the retirement or disability allowances paid to an individual before the person's death is less than the person's accumulated contributions at the time of the person's retirement, the difference shall be paid to the person's beneficiary or, if there is no beneficiary, to the (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal shares, or (4) person's estate in that order of precedence; provided, however, that if an optional benefit, as provided in option 2, 3 or 4 in subsection 4, had been elected and the beneficiary dies after receiving the optional benefit, then, if the total retirement allowances paid to the retired individual and the individual's beneficiary are less than the total of the contributions, the difference shall be paid to the (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal shares, or (4) estate of the beneficiary, in that order of precedence, unless the retired individual designates a different recipient with the board at or after retirement.

6. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the member's death shall be paid to the member's beneficiary or, if there is no beneficiary, to the (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal shares, or (4) to the member's estate; provided, however, that no such payment shall be made if the beneficiary elects option 2 in subsection 4 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to

the (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal shares, or (4) estate of the beneficiary, in that order of precedence.

7. If a member ceases to be an employee as defined in section 169.600 and certifies to the board of trustees that such cessation is permanent or if the person's membership is otherwise terminated, the person shall be paid the person's accumulated contributions with interest.

8. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, if a member ceases to be an employee as defined in section 169.600 after acquiring five or more years of creditable service, the member may, at the option of the member, leave the member's contributions with the retirement system and claim a retirement allowance any time after the member reaches the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.600 to 169.715 on the basis of the member's age and years of service.

9. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty.

10. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, any member who is a member prior to October 13, 1969, may elect to have the member's retirement allowance computed in accordance with sections 169.600 to 169.715 as they existed prior to October 13, 1969.

11. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

12. Notwithstanding any other provision of law, any person retired prior to August 14, 1984, who is receiving a reduced retirement allowance under option 1 or 2 of subsection 4 of this section, as the option existed prior to August 14, 1984, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have the person's retirement allowance increased to the amount the person would have been receiving had the person not elected the option actuarially adjusted to recognize any excessive benefits which would have been paid to the person up to the time of the application.

13. Benefits paid pursuant to the provisions of the public education employee retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code, except as provided under this subsection. Notwithstanding any other law, the board of trustees may establish a benefit plan under Section 415(m) of Title 26 of the United States Code. Such plan shall be credited solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

14. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to seven and four-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

15. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to three and four-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

16. Any member who has retired prior to July 1, 2001, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to seven and one-tenth percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

17. Notwithstanding the provisions of subsection 7 of section 169.620 to the contrary, any member who has retired, attained the age of seventy-five and above, and received cost-of-living increases totaling eighty percent as provided in subsection 2 of this section prior to January 1, 2009, shall be made, constituted, and employed by the board as a special consultant on the matters of education, retirement, and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, beginning January 1, 2009, and through January 1, 2014, the member shall receive an amount equal to three dollars per month multiplied by years of service which shall be added to the member's monthly annuity.”; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted.

Senator Mayer raised the point of order that **SA 9** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Engler offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1722, Page 23, Section 160.775, Line 23 of said page, by inserting immediately after said line the following:

“160.782. As used in sections 160.782 to 160.797, the following terms shall mean:

(1) “Certified laboratory”, a laboratory that is certified by the Substance Abuse and Mental Health Services Administration of the federal Department of Health and Human Services to engage in drug testing for federal agencies;

(2) “Confirmatory drug test”, a test by a gas chromatography/mass spectrometry testing procedure of a urine specimen conducted after an initial positive drug test result;

(3) “Confirmed breath alcohol test”, a second breath alcohol specimen provided by the employee fifteen minutes after the initial positive breath alcohol screening test to confirm the alcohol

concentration of the four hundreds of one percent or more by weight of alcohol in the blood;

(4) “Confirmed positive breath alcohol test”, a confirmed alcohol concentration of the amount of four hundreds of one percent or more by weight of alcohol in the blood;

(5) “Confirmed positive drug test result”, a finding by a confirmatory test of the presence in the tested urine of any of the drugs or their metabolites at or above the minimum detection level specified in section 160.791;

(6) “Employee”, a laborer, worker, mechanic, or truck driver who performs work on a project as described in section 160.785;

(7) “Employer”, a contractor, subcontractor, or agent of a contractor or subcontractor that performs work on a project as described in section 160.785;

(8) “Initial breath alcohol screening test”, an initial breath specimen provided by the employee to determine the weight of alcohol in the blood;

(9) “Initial drug screening test”, a test by an immunoassay procedure of a urine specimen;

(10) “Initial positive breath alcohol screening test”, an alcohol concentration of the amount of four hundreds of one percent or more by weight of alcohol in the blood;

(11) “Initial positive drug test result”, a finding by an initial screening test of the presence in the tested urine of any of the drugs or their metabolites at or above the minimum detection level specified in section 160.791;

(12) “Medical review officer”, a licensed physician who has knowledge of substance abuse disorders, laboratory testing procedures, and chain-of-custody procedures and who has the necessary medical training to interpret and evaluate a confirmed positive drug test result, a person's medical history, and any other relevant biomedical information;

(13) “Third-party administrator”, a person contracted by an employer, either directly or in cooperation with other employers or organizations, to administer the drug and alcohol testing program of the employer under sections 160.782 to 160.797;

(14) “Verified positive drug test result”, a confirmed positive drug test result that has been verified by a medical review officer for the presence in the tested urine of any of the drugs or their metabolites at or above the minimum detection level specified in section 160.791.

160.785. 1. Any entity that provides construction services under contract on the property of a public elementary or secondary school shall have in place before any work on the project commences, a drug and alcohol testing program that complies with sections 160.782 to 160.797. An employer may contract with a third-party administrator to administer the employer's drug and alcohol testing program under this section.

2. A bidder for contracts as described in subsection 1 of this section shall submit with the bid all of the following:

(1) A statement that the bidder has in place, before any work on the project commences, a drug and alcohol testing program that complies with sections 160.782 to 160.797;

(2) A statement from each subcontractor or agent that will be performing work on the project

that the subcontractor or agent has in place, or will have in place before any work on the project commences, a drug and alcohol testing program that complies with sections 160.782 to 160.797.

3. An employer that is required under sections 160.782 to 160.797 to have, but that does not have, a drug and alcohol testing program in place on August 28, 2008 shall provide notice to all of its employees that a drug and alcohol testing program is being implemented and may not begin actual drug and alcohol testing until sixty days after the date of the notice.

160.788. Before an employee is tested for the presence of drugs or alcohol, an employer or third-party administrator shall provide the employee with a written policy statement that contains the following:

(1) A statement that an employee who receives a verified positive drug test result may challenge or explain the result to the medical review officer within two working days after receiving notification of the test result; that, if the explanation is unsatisfactory to the medical review officer, the medical review officer will report the test result to the employer; and that the employee may, within two working days after receiving that notice, request a retest of the specimen that tested positive by a certified laboratory chosen by the employee at the expense of the employee;

(2) A statement that the employee shall be given the opportunity to provide any information that he or she considers relevant to the test, including identification of any prescription drugs or nonprescription drugs that he or she is currently using or has recently used or any other relevant medical information.

160.791. 1. An employer may not permit an employee to work on a project unless the employee has tested negative for the presence of drugs or alcohol in the employee's system not more than twelve months preceding the date on which the employee commences work on the project.

2. After an employee begins work on a project, the employer may require the employee to submit to testing if the employer has a reasonable belief, based on specific, objective, and articulable facts and reasonable inferences drawn from those facts, that the employee is using or has used drugs or alcohol in violation of the employer's policy. Those facts and inferences may be based on any of the following:

(1) Facts or events observed while the employee is at work, such as direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of drugs or alcohol;

(2) Abnormal conduct or erratic behavior of the employee while at work or a significant deterioration in the employee's work performance;

(3) A report of drug or alcohol use provided by a reliable and credible source;

(4) Evidence that the employee has tampered with a drug test during his or her employment with the employer or after receiving an offer of employment with the employer;

(5) Evidence that the employee has used, possessed, attempted to possess, distributed, or delivered drugs or alcohol while at work, while on the employer's premises or on the site of the project, or while operating the employer's vehicles, machinery, or equipment;

(6) Any other fact or event that provides a reasonable belief that the employee is using or has used drugs or alcohol in violation of the employer's policy.

3. After an employee begins work on a project, the employer shall require the employee to submit to random testing, the frequency of which shall be at an annualized rate of fifty percent of the workforce. Employees tested under this subsection shall be selected for random testing according to objective, neutral, and nondiscriminatory criteria, so that on any given day, any given employee has an equal chance of being tested. Testing under this subsection shall be conducted without prior warning.

4. An employee who under any other state or federal law is required to submit to random drug and alcohol testing that is at least as strict as the testing required under this section is not required to submit to testing under this section.

5. Testing under this section shall be performed by a certified laboratory selected by the employer or third-party administrator and shall be conducted in accordance with scientific and technical guidelines established by the Substance Abuse and Mental Health Services Administration of the federal Department of Health and Human Services for those certified laboratories. At a minimum, an employee shall be tested for all of the following:

(1) Amphetamines, with the following minimum detection levels constituting a positive drug test result:

(a) A level of one thousand nanograms per milliliter constituting an initial positive drug test result;

(b) A level of five hundred nanograms per milliliter constituting a confirmed positive drug test result;

(2) Barbiturates, with the following minimum detection levels constituting a positive drug test result:

(a) A level of three hundred nanograms per milliliter constituting an initial positive drug test result;

(b) A level of three hundred nanograms per milliliter constituting a confirmed positive drug test result;

(3) Benzodiazepines, with the following minimum detection levels constituting a positive drug test result:

(a) A level of three hundred nanograms per milliliter constituting an initial positive drug test result;

(b) A level of three hundred nanograms per milliliter constituting a confirmed positive drug test result;

(4) Cocaine metabolites, with the following minimum detection levels constituting a positive drug test result:

(a) A level of three hundred nanograms per milliliter constituting an initial positive drug test result;

(b) A level of one hundred fifty nanograms per milliliter constituting a confirmed positive drug test result;

(5) Marijuana metabolites, with the following minimum detection levels constituting a positive drug test result:

(a) A level of fifty nanograms per milliliter constituting an initial positive drug test result;

(b) A level of fifteen nanograms per milliliter constituting a confirmed positive drug test result;

(6) Methadone, with the following minimum detection levels constituting a confirmed positive drug test result:

(a) A level of three hundred nanograms per milliliter constituting an initial positive drug test result;

(b) A level of three hundred nanograms per milliliter constituting a confirmed positive drug test result;

(7) Opiates, with the following minimum detection levels constituting a positive drug test result:

(a) A level of two thousand nanograms per milliliter constituting an initial positive drug test result;

(b) A level of two thousand nanograms per milliliter constituting a confirmed positive drug test result;

(8) Phencyclidine, with the following minimum detection levels constituting a positive drug test result:

(a) A level of twenty-five nanograms per milliliter constituting an initial positive drug test result;

(b) A level of twenty-five nanograms per milliliter constituting a confirmed positive drug test result;

(9) Propoxyphene, with the following minimum detection levels constituting a positive drug test result:

(a) A level of three hundred nanograms per milliliter constituting an initial positive drug test result;

(b) A level of three hundred nanograms per milliliter constituting a confirmed positive drug test result;

(10) Alcohol, with an alcohol concentration of the amount of four-hundredths of one percent or more by weight of alcohol in the blood constituting a confirmed positive alcohol test result as determined by an analysis of a breath specimen provided by the employee.

6. This section shall not be construed to prohibit an employer from establishing and enforcing reasonable work rules relating to the use, possession, distribution, or delivery of drugs or alcohol in the workplace.

160.794. 1. An employee shall be given the opportunity to provide to the medical review officer any information that he or she considers relevant to the test, including identification of any prescription drugs or nonprescription drugs that he or she is currently using or has recently used or any other relevant medical information.

2. Within one working day after receipt of a verified positive test result, the employer or third-

party administrator shall inform the employee of the test result, the consequences of the test result, and the options available to the employee. On request, the third-party administrator or medical review officer shall provide a copy of the test result to the employee.

3. Within two working days after receiving a verified positive test result, the employee may request a retest of the specimen that tested positive by a certified laboratory chosen by the employee. The employee shall pay the cost of any retesting requested by the employee but not required by the employer, subject to reimbursement by the employer if the result of the retest is negative.

4. If testing is conducted based on reasonable suspicion, the employer shall document in writing the circumstances upon which that reasonable suspicion is based and, upon request, shall provide a copy of that documentation to the employee. The employer shall retain a copy of that documentation for not less than one year.

5. Any test of an employee conducted under this section shall occur immediately before, during, or immediately after the regular work period of the employee. If the test is conducted during an employee's regular work period, the employee shall be paid for the time lost from work at the employee's hourly basic rate of pay, plus the hourly contribution for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefits payable to the employee. If the test is conducted outside the employee's regular work period, the employee shall be paid for the time necessary to take the test, including reasonable travel time, at the employee's hourly basic rate of pay. The employer shall pay the cost of all testing required by the employer. The employee shall pay the cost of any retesting or additional testing requested by the employee, but not required by the employer, subject to reimbursement by the employer if the result of the retest or additional test is negative.

6. Except as required or permitted under this section, any information, written or otherwise, relating to the result of a test conducted under this section shall remain confidential and may be disclosed only as follows:

(1) On the specific written consent of the employee who is the subject of the test. That consent shall state the name of the person who is authorized to obtain the information, the purpose of the disclosure, the precise information to be disclosed, and the duration of the consent and shall be signed by the person authorizing the disclosure;

(2) On the order of a court, hearing examiner, arbitrator, or other decision maker for purposes of a court proceeding, administrative proceeding, grievance proceeding, or any other proceeding arising out of an adverse employment action taken as a result of a test conducted under this section.

160.797. 1. An employee who refuses to submit to testing as required under sections 160.782 to 160.797 or who is the subject of a verified positive test result may not be permitted to work on a project until the employee tests negative for the presence of drugs or alcohol in his or her system. An employee who is the subject of more than one verified positive test result during the life of a project may not work on the project for the life of the project.

2. Any employer that knowingly permits an employee of the employer to work on a project in violation of sections 160.782 to 160.797 may be fined not more than two hundred dollars or imprisoned for not more than six months, or both. Each day that a violation continues is a separate offense.

160.798. The requirements of sections 160.782 to 160.797 shall not apply to employers who are party to a program for drug and alcohol testing, which program has been in existence since at least January 1, 2005, provided that such program:

(1) Requires the testing of substances which include those substances set forth in subsection 5 of section 160.791;

(2) Utilizes detection levels which are at least as stringent as those set forth in subsection 5 of section 160.791;

(3) Provides for random testing and reasonable suspicion testing;

(4) Provides for review of test results by a medical review officer;

(5) Allows the employee to have a positive test specimen retested, at the employee's expense;

(6) Provides that an employee who tests positive or refuses to submit to a test shall not be permitted to resume employment until he or she tests negative for the presence of drugs or alcohol.”;
and

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Smith offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1722, Page 72, Section 168.520, Line 13 of said page, by inserting immediately after said line the following:

“168.700. 1. This act shall be known, and may be cited, as the “Missouri Teaching Fellows Program”.

2. As used in this section, the following terms shall mean:

(1) “Department”, the Missouri department of higher education;

(2) “Eligible applicant”[,]:

(a) A high school senior who:

[(a)] **a.** Is a United States citizen;

[(b)] **b.** Has a cumulative grade point average ranking in the top ten percentile in their graduating class and scores in the top twenty percentile on either the ACT or SAT assessment; or has a cumulative grade point average ranking in the top twenty percentile in their graduating class and scores in the top ten percentile of the ACT or SAT assessment;

[(c)] **c.** Upon graduation from high school, attends a Missouri higher education institution and attains a teaching certificate and either a bachelors or graduate degree with a cumulative grade point average of at least [three-point zero] **three and twenty-five hundredths** on a four-point scale or equivalent;

[(d)] **d.** Signs an agreement with the department in which the applicant agrees to engage in qualified employment upon graduation from a higher education institution for five years; and

[(e)] **e.** Upon graduation from the higher education institution, engages in qualified employment; **or**

(b) A graduate of a Missouri public higher education institution who:

a. Has attained a certificate of license to teach from the state board of education under section 168.021 after August 28, 2008;

b. Has attained either a bachelor's degree or graduate degree with a cumulative grade point average of at least three and twenty-five hundredths on a four point scale, or an equivalent;

c. Is hired as a teacher in a school district described in subdivision (3) of subsection 2 of this section; and

d. Signs an agreement with the department in which the applicant agrees to engage in qualified employment for five years.

(3) "Qualified employment", employment as a teacher in a school located in a school district that is not classified as accredited by the state board of education at the time the eligible applicant signs their first contract to teach in such district. Preference in choosing schools to receive participating teachers shall be given to schools in such school districts with a higher-than-the-state-average of students eligible to receive a reduced lunch price under the National School Act, 42 U.S.C. Section 1751, et seq., as amended;

(4) "Teacher", any employee of a school district, regularly required to be certified under laws relating to the certification of teachers, except superintendents and assistant superintendents but including certified teachers who teach at the prekindergarten level within a prekindergarten program in which no fees are charged to parents or guardians.

3. Within the limits of amounts appropriated therefor, the department shall, upon proper verification to the department by an eligible applicant and the school district in which the applicant is engaged in qualified employment, enter into a one-year contract with eligible applicants to repay the interest and principal on the educational loans of the applicants or provide a stipend to the applicant as provided in subsection 4 of this section. The department may enter into subsequent one-year contracts with eligible applicants, not to total more than five such contracts. The fifth one-year contract shall provide for a stipend to such applicants as provided in subsection 4 of this section. If the school district becomes accredited at any time during which the eligible applicant is teaching at a school under a contract entered into pursuant to this section, nothing in this section shall preclude the department and the eligible applicant from entering into subsequent contracts to teach within the school district. An eligible applicant who does not enter into a contract with the department under the provisions of this subsection shall not be eligible for repayment of educational loans or a stipend under the provisions of subsection 4 of this section.

4. At the conclusion of each of the first four academic years that an eligible applicant engages in qualified employment, up to one-fourth of the eligible applicant's educational loans, not to exceed five thousand dollars per year, shall be repaid under terms provided in the contract. For applicants without any educational loans, the applicant may receive a stipend of up to five thousand dollars at the conclusion of each of the first four academic years that the eligible applicant engages in qualified employment. At the conclusion of the fifth academic year that an eligible applicant engages in qualified employment, a stipend in an amount equal to one thousand dollars shall be granted to the eligible applicant. The maximum of five thousand dollars per year and the stipend of one thousand dollars shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency. The amount of any repayment of educational loans or

the issuance of a stipend under this subsection shall not exceed the actual cost of tuition, required fees, and room and board for the eligible applicant at the institution of higher education from which the eligible applicant graduated.

5. The department shall maintain a Missouri teaching fellows program coordinator position, the main responsibility of which shall be the identification, recruitment, and selection of potential students meeting the requirements of paragraph (b) of subdivision (2) of subsection 2 of this section. In selecting potential students, the coordinator shall give preference to applicants that represent a variety of racial backgrounds in order to ensure a diverse group of eligible applicants.

6. The department shall promulgate rules to enforce the provisions of this section, including, but not limited to, applicant eligibility, selection criteria, and the content of loan repayment contracts. If the number of applicants exceeds the revenues available for loan repayment or stipends, priority shall be to those applicants with the highest high school grade-point average and highest scores on the ACT or SAT assessments.

7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. There is hereby created in the state treasury the "Missouri Teaching Fellows Program Fund". The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Private donations, federal grants, and other funds provided for the implementation of this section shall be placed in the Missouri teaching fellows program fund. Upon appropriation, money in the fund shall be used solely for the repayment of loans and the payment of stipends under the provisions of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

9. Subject to appropriations, the general assembly shall include an amount necessary to properly fund this section, not to exceed one million dollars in any fiscal year. The maximum of one million dollars in any fiscal year shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency."; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted, which motion prevailed.

Senator Smith offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House

Bill No. 1722, Page 42, Section 162.963, Line 3 of said page, by inserting immediately after said line the following:

“162.1168. 1. There is hereby established a pilot program within the Missouri preschool project to be known as the “Missouri Preschool Plus Grant Program”, which shall serve up to one thousand two hundred fifty students with high quality early childhood educational services in order to improve school readiness outcomes. The program shall be administered by the department of elementary and secondary education in collaboration with the coordinating board for early childhood. Grants shall be awarded in this section for three years and shall be renewable. The program shall be funded through appropriations to the Missouri preschool plus grant program fund. Funds from the gaming commission fund shall not be used to fund the program.

2. For purposes of this section, the following terms shall mean:

(1) “Department”, the department of elementary and secondary education;

(2) “Program”, the Missouri preschool plus grant program.

3. Grantees shall include the following:

(1) School districts classified as unaccredited by the state board of education;

(2) Non-sectarian community-based organizations located within a school district classified as unaccredited by the state board of education; or

(3) Any school district that, as a result of a boundary change election as provided in 162.431, receives pupils from a provisionally accredited or unaccredited school district.

4. If a school district becomes classified as provisionally accredited or accredited by the state board of education, the school district may complete the length of an existing grant and shall be eligible for one additional renewal for three years.

5. To receive a preschool placement under this section, a child shall be one or two years away from kindergarten entry.

6. The Missouri preschool plus grant program shall comply with the standards developed under section 161.213, RSMo. Public school grantees shall employ teachers with a bachelor's degree. Non-sectarian community-based organizations may employ teachers with at least an associate's degree provided such teachers demonstrate they are on the path to obtaining a bachelor's degree within five years.

7. Families with incomes less than one hundred thirty percent of the federal poverty guidelines shall receive free services through eligible grantees. Families with incomes at or above one hundred thirty percent of the federal poverty guidelines may be charged a co-pay on a sliding scale, as established by the department.

8. At least fifty percent of the preschool placements funded by the program shall be offered through non-sectarian community-based organizations.

9. The department shall develop standards for teacher-pupil ratios, classroom size, teacher training and educational attainment, and curriculum.

10. Grantees participating in the program shall give admission preference to dependents of active

duty military personnel.

11. School districts and non-sectarian community-based organizations in which such pilot programs exist shall collect data about short-term and long-term student performance, where feasible, so that the program may be evaluated on quantitative measurements developed by the department. The department shall make a good faith effort to collect long-term student performance data required under this subsection for students who attend non-public schools. For purposes of this subsection, “long-term” shall mean from point of entry to graduation from high school.

12. Grantees shall coordinate preschool programs with the nearest parents as teachers site to ensure a continuum of care.

13. The department shall accept applications in a competitive bid process to begin implementation of the program for the 2009-2010 school year.

14. The department shall promulgate rules and regulations necessary to implement this section by January 1, 2009. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

15. The general assembly shall appropriate an amount sufficient to adequately fund the provisions of this section, which shall be ten million dollars in any fiscal year.

16. There is hereby created in the state treasury the “Missouri Preschool Plus Grant Program Fund” which shall consist of general revenue appropriated to the program, funds received from the federal government, and voluntary contributions to support or match program activities. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of this section. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

17. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted, which motion failed.

Senator Smith offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1722, Page 83, Section 173.258, Line 11 of said page, by inserting immediately after said line the following:

“173.1120. When funds are available, the department of elementary and secondary education shall contract with an on-line test preparation company or companies to provide a customized SAT and ACT preparation program to all public high school juniors. Students may choose to participate in either the SAT or ACT preparation program, but not both. The company chosen shall have demonstrated performance in adaptive learning technologies to diagnose students' individual strengths and areas for improvement. The company shall provide a skills-based approach which emphasizes skill development in English, reading, mathematics, and if providing skills-preparation for the ACT, science.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted, which motion failed.

Senator Smith offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1722, Page 13, Section 160.261, Line 7 of said page, by inserting after all of said line the following:

“160.400. 1. A charter school is an independent public school.

2. Charter schools may be operated only in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants and may be sponsored by any of the following:

(1) The school board of the district;

(2) A public four-year college or university with its primary campus in the school district or in a county adjacent to the county in which the district is located, with an approved teacher education program that meets regional or national standards of accreditation;

(3) A community college located in the district; or

(4) Any private four-year college or university located in a city not within a county with an enrollment of at least one thousand students, and with an approved teacher preparation program.

3. [The mayor of] In a city not within a county [may request a sponsor under subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a], charter schools may also include workplace charter [school] schools, which [is] are defined for purposes of sections 160.400 to 160.420 as a charter school with the ability to target prospective students whose parent or parents are employed in a business district, as defined in the charter, which is located in the city.

4. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.

5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the sponsor and the charter school.

6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter school shall select the method for election of officers pursuant to section 355.326, RSMo, based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

7. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

8. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 2 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. The primary campus of the college or university must be located within the county in which the school district lies wherein the charter school is located or in a county adjacent to the county in which the district is located. A university, college or community college may not charge or accept a fee for affiliation status.

9. The expenses associated with sponsorship of charter schools shall be defrayed by the department of elementary and secondary education retaining one and five-tenths percent of the amount of state and local funding allocated to the charter school under section 160.415, not to exceed one hundred twenty-five thousand dollars, adjusted for inflation. Such amount shall not be withheld when the sponsor is a school district or the state board of education. The department of elementary and secondary education shall remit the retained funds for each charter school to the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship obligations under sections 160.400 to 160.420 and 167.349, RSMo, with regard to each charter school it sponsors **including appropriate demonstration of the following:**

(1) Expends no less than ninety percent of its charter school sponsorship funds in support of its charter school sponsorship program, or as a direct investment in the sponsored schools;

(2) Maintains a comprehensive application process that follows fair procedures and rigorous criteria and grants charters only to those developers who demonstrate strong capacity for establishing and operating a quality charter school;

(3) Negotiates contracts with charter schools that clearly articulate the rights and responsibilities of each party regarding school autonomy, expected outcomes, measures for evaluating success or failure, performance consequences, and other material terms;

(4) Conducts contract oversight that evaluates performance, monitors compliance, informs intervention and renewal decisions, and ensures autonomy provided under applicable law; and

(5) Designs and implements a transparent and rigorous program that uses comprehensive data to make merit-based renewal decisions.

10. No university, college or community college shall grant a charter to a nonprofit corporation if an

employee of the university, college or community college is a member of the corporation's board of directors.

11. No sponsor shall grant a charter under sections 160.400 to 160.420 and 167.349, RSMo, without ensuring that a criminal background check and child abuse registry check are conducted for all members of the governing board of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and child abuse registry check are conducted for each member of the governing board of the charter school.

12. No member of the governing board of a charter school shall hold any office or employment from the board or the charter school while serving as a member, nor shall the member have any substantial interest, as defined in section 105.450, RSMo, in any entity employed by or contracting with the board. No board member shall be an employee of a company that provides substantial services to the charter school. All members of the governing board of the charter school shall be considered decision-making public servants as defined in section 105.450, RSMo, for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485, 105.487, and 105.489, RSMo.

13. A sponsor shall provide timely submission to the state board of education of all data necessary to demonstrate that the sponsor is in material compliance with all requirements of sections 160.400 to 160.420 and 167.349, RSMo.

14. The state board of education shall ensure each sponsor is in compliance with all requirements under sections 160.400 to 160.420 and 167.349, RSMo, for each charter school sponsored by any sponsor. The state board shall notify each sponsor of the standards for sponsorship of charter schools, delineating both what is mandated by statute and what best practices dictate. The state board, after a public hearing, may require remedial action for a sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions including withholding the sponsor's funding and suspending for a period of up to one year the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional school. If the state board removes the authority to sponsor a currently operating charter school, the state board shall become the interim sponsor of the school for a period of up to three years until the school finds a new sponsor or until the charter contract period lapses.

160.405. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a school board, the applicant shall give a copy of its application to the school board of the district in which the charter school is to be located and to the state board of education, within five business days of the date the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall include a mission statement for the charter school, a description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy and operational decisions of the charter school, a financial plan for the first three years of operation of the charter school including provisions for annual audits, a description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan, a description of the grades or ages of students being served, the school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011, and an outline of criteria specified in this section designed to measure the effectiveness of the school. The charter shall also state:

- (1) The educational goals and objectives to be achieved by the charter school;
- (2) A description of the charter school's educational program and curriculum;
- (3) The term of the charter, which shall be not less than five years, nor greater than ten years and shall be renewable;
- (4) A description of the charter school's pupil performance standards, which must meet the requirements of subdivision (6) of subsection 5 of this section. The charter school program must be designed to enable each pupil to achieve such standards;
- (5) A description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school; and
- (6) A description of the charter school's policies on student discipline and student admission, which shall include a statement, where applicable, of the validity of attendance of students who do not reside in the district but who may be eligible to attend under the terms of judicial settlements.

2. Proposed charters shall be subject to the following requirements:

- (1) A charter may be approved when the sponsor determines that the requirements of this section are met and determines that the applicant is sufficiently qualified to operate a charter school. The sponsor's decision of approval or denial shall be made within ninety days of the filing of the proposed charter;
- (2) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial and forward a copy to the state board of education within five business days following the denial;
- (3) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to the state board of education, along with the sponsor's written reasons for its denial. If the state board determines that the applicant meets the requirements of this section, that the applicant is sufficiently qualified to operate the charter school, and that granting a charter to the applicant would be likely to provide educational benefit to the children of the district, the state board may grant a charter and act as sponsor of the charter school. The state board shall review the proposed charter and make a determination of whether to deny or grant the proposed charter within sixty days of receipt of the proposed charter, provided that any charter to be considered by the state board of education under this subdivision shall be submitted no later than March first prior to the school year in which the charter school intends to begin operations. The state board of education shall notify the applicant in writing as the reasons for its denial, if applicable; and
- (4) The sponsor of a charter school shall give priority to charter school applicants that propose a school oriented to high-risk students and to the reentry of dropouts into the school system. If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk" student is one who is at least one year behind in satisfactory completion of course work or obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime within the preceding six months, has limited English proficiency, has been suspended from school three or more times, is eligible for free or reduced-price school lunch, or has been referred by the school district for enrollment in an alternative program. "Dropout" shall be defined through the guidelines of the school core

data report. The provisions of this subsection do not apply to charters sponsored by the state board of education.

3. If a charter is approved by a sponsor, the charter application shall be submitted to the state board of education, along with a statement of finding that the application meets the requirements of sections 160.400 to 160.420 and section 167.439, RSMo, and a monitoring plan under which the charter sponsor will evaluate the academic performance of students enrolled in the charter school. The state board of education may, within sixty days, disapprove the granting of the charter. The state board of education may disapprove a charter on grounds that the application fails to meet the requirements of sections 160.400 to 160.420 and section 167.349, RSMo, or that a charter sponsor previously failed to meet the statutory responsibilities of a charter sponsor.

4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject to judicial review pursuant to chapter 536, RSMo.

5. A charter school shall, as provided in its charter:

(1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;

(2) Comply with laws and regulations of the state, county, or city relating to health, safety, and state minimum educational standards, as specified by the state board of education, including the requirements relating to student discipline under sections 160.261, 167.161, 167.164, and 167.171, RSMo, notification of criminal conduct to law enforcement authorities under sections 167.115 to 167.117, RSMo, academic assessment under section 160.518, transmittal of school records under section 167.020, RSMo, and the minimum number of school days and hours required under section 160.041;

(3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules relating to schools, governing boards and school districts;

(4) Be financially accountable, use practices consistent with the Missouri financial accounting manual, provide for an annual audit by a certified public accountant, publish audit reports and annual financial reports as provided in chapter 165, RSMo, provided that the annual financial report may be published on the department of elementary and secondary education's Internet web site in addition to other publishing requirements, and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. A charter school that receives local educational agency status under subsection 6 of this section shall meet the requirements imposed by the Elementary and Secondary Education Act for audits of such agencies. For purposes of an audit by petition under section 29.230, RSMo, a charter school shall be treated as a political subdivision on the same terms and conditions as the school district in which it is located. For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo. A charter school that incurs debt must include a repayment plan in its financial plan;

(5) Provide a comprehensive program of instruction for at least one grade or age group from kindergarten through grade twelve, which may include early childhood education if funding for such programs is established by statute, as specified in its charter;

(6) (a) Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, collect baseline data during at least the first three years for determining how the charter school is performing and to the extent applicable, participate in the statewide system of assessments, comprised of the essential skills tests and the nationally standardized

norm-referenced achievement tests, as designated by the state board pursuant to section 160.518, complete and distribute an annual report card as prescribed in section 160.522, which shall also include a statement that background checks have been completed on the charter school's board members, report to its sponsor, the local school district, and the state board of education as to its teaching methods and any educational innovations and the results thereof, and provide data required for the study of charter schools pursuant to subsection 4 of section 160.410. No charter school will be considered in the Missouri school improvement program review of the district in which it is located for the resource or process standards of the program.

(b) For proposed high risk or alternative charter schools, sponsors shall approve performance measures based on mission, curriculum, teaching methods, and services. Sponsors shall also approve comprehensive academic and behavioral measures to determine whether students are meeting performance standards on a different time frame as specified in that school's charter. Student performance shall be assessed comprehensively to determine whether a high risk or alternative charter school has documented adequate student progress. Student performance shall be based on sponsor-approved comprehensive measures as well as standardized public school measures. Annual presentation of charter school report card data to the department of elementary and secondary education, the state board, and the public shall include comprehensive measures of student progress.

(c) Nothing in this [paragraph] **subdivision** shall be construed as permitting a charter school to be held to lower performance standards than other public schools within a district; however, the charter of a charter school may permit students to meet performance standards on a different time frame as specified in its charter;

(7) Assure that the needs of special education children are met in compliance with all applicable federal and state laws and regulations;

(8) Provide along with any request for review by the state board of education the following:

(a) Documentation that the applicant has provided a copy of the application to the school board of the district in which the charter school is to be located, except in those circumstances where the school district is the sponsor of the charter school; and

(b) A statement outlining the reasons for approval or disapproval by the sponsor, specifically addressing the requirements of sections 160.400 to 160.420 and 167.349, RSMo.

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management and operations at least once every two years or at any point where the operation or management of the charter school is changed or transferred to another entity, either public or private. The governing board of a charter school may amend the charter, if the sponsor approves such amendment, or the sponsor and the governing board may reach an agreement in writing to reflect the charter school's decision to become a local educational agency [for the sole purpose of seeking direct access to federal grants]. In such case the sponsor shall give the department of elementary and secondary education written notice no later than March first of any year, with the agreement to become effective July first. The department may waive the March first notice date in its discretion. The department shall identify and furnish a list of its regulations that pertain to local educational agencies to such schools within thirty days of receiving such notice.

7. (1) A sponsor may revoke a charter at any time if the charter school commits a serious breach of one

or more provisions of its charter or on any of the following grounds: failure to meet academic performance standards as set forth in its charter, failure to meet generally accepted standards of fiscal management, failure to provide information necessary to confirm compliance with all provisions of the charter and sections 160.400 to 160.420 and 167.349, RSMo, within forty-five days following receipt of written notice requesting such information, or violation of law.

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, which may require a change of methodology, a change in leadership, or both, after which, if such plan is unsuccessful, the charter may be revoked.

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the governing board of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action. The school's governing board may request in writing a hearing before the sponsor within two weeks of receiving the notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. Final decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial review pursuant to chapter 536, RSMo.

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to the health and safety of the children.

(6) A charter sponsor shall make available the school accountability report card information as provided under section 160.522 and the results of the academic monitoring required under subsection 3 of this section.

8. A sponsor shall take all reasonable steps necessary to confirm that each charter school sponsored by such sponsor is in material compliance and remains in material compliance with all material provisions of the charter and sections 160.400 to 160.420 and 167.349, RSMo. Every charter school shall provide all information necessary to confirm ongoing compliance with all provisions of its charter and sections 160.400 to 160.420 and 167.349, RSMo, in a timely manner to its sponsor.

9. A school district may enter into a lease with a charter school for physical facilities.

10. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program.

11. Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state. The governing board of a charter school may participate, to the same extent as a school board, in the Missouri public entity risk management fund in the manner provided under sections 537.700 to 537.756, RSMo.

12. Any entity, either public or private, operating, administering, or otherwise managing a charter school shall be considered a quasi-public governmental body and subject to the provisions of sections 610.010 to 610.035, RSMo.

13. The chief financial officer of a charter school shall maintain a surety bond in an amount determined by the sponsor to be adequate based on the cash flow of the school.

160.410. 1. A charter school shall enroll:

(1) All pupils resident in the district in which it operates;

(2) Nonresident pupils eligible to attend a district's school under an urban voluntary transfer program; [and]

(3) In the case of a charter school whose mission includes student drop-out prevention or recovery, a nonresident pupil from the same or an adjacent county who submits a timely application; and

(4) In the case of a workplace charter school, any student eligible to attend under subdivision (1) or (2) of this subsection whose parent is employed in the business district, who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. The configuration of a business district shall be set forth in the charter and shall not be construed to create an undue advantage for a single employer or small number of employers.

2. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education; [and]

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school or in the case of a workplace charter school, a child whose parent is employed in the business district or at the business site of such school; **and**

(3) A charter school whose mission includes student drop-out prevention or recovery as described in subdivision (3) of subsection 1 of this section shall give preference for admission to resident pupils over nonresident pupils.

3. A charter school shall not limit admission based on race, ethnicity, national origin, disability, gender, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level.

4. The department of elementary and secondary education shall commission a study of the performance of students at each charter school in comparison with [a comparable] **an equivalent group of district students representing an equivalent demographic and geographic population** and a study of the impact of charter schools upon **the constituents they serve in** the districts in which they are located, to be conducted by a contractor selected through a request for proposal. **The department of elementary and secondary education shall coordinate the request for proposal process in conjunction with individuals representing charter public schools and the districts in which the charter schools are located.** The department of elementary and secondary education shall reimburse the contractor from funds appropriated

by the general assembly for the purpose. The study of a charter school's student performance in relation to a comparable group shall be designed to provide information that would allow parents and educators to make valid comparisons of academic performance between the charter school's students and [a] **an equivalent group of district students** [comparable to the students enrolled in the charter school] **representing an equivalent demographic and geographic population. The student performance assessment and comparison shall include, but may not be limited to as prescribed by the request for proposal: Missouri Assessment Program test performance and aggregate growth over several years; student reenrollment rates; educator, parent, and student satisfaction data; graduation rates in secondary programs; and performance of students enrolled in the same public school for three or more consecutive years.** The impact study shall be undertaken every two years to determine the [effect] **impact** of charter schools on [education stakeholders] **the constituents they serve** in the districts where charter schools are operated. The impact study [may] **shall** include, but is not limited to, determining if changes have been made in district policy or procedures attributable to the charter school and to perceived changes in attitudes and expectations on the part of district personnel, school board members, parents, students, the business community and other education stakeholders. The department of elementary and secondary education shall make the results of the studies public and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter schools, the school board and superintendent of the districts in which the charter schools are operated.

5. A charter school shall make available for public inspection, and provide upon request, to the parent, guardian, or other custodian of any school-age pupil resident in the district in which the school is located the following information:

- (1) The school's charter;
- (2) The school's most recent annual report card published according to section 160.522; and
- (3) The results of background checks on the charter school's board members.

The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026, RSMo, for furnishing copies of documents under this subsection.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted, which motion failed.

Senator Bray offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1722, Page 28, Section 160.820, Line 6 of said page, by inserting after all of said line the following:

“160.950. 1. There is hereby created in the state treasury the “The Persistence to Graduation Fund”, which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of this section. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The fund shall be administered by the department of elementary and

secondary education.

2. The department of elementary and secondary education shall establish a procedure whereby seven-director, urban, and metropolitan school districts may apply for grant awards from the Persistence to Graduation Fund in order for such districts to implement drop-out prevention strategies. Successful applicants under this section shall be awarded grants for one to five consecutive years. Upon expiration of the initial grant, the district may reapply for an extension of the grant award for a period of time deemed appropriate by both the district and the department. The department of elementary and secondary education shall give preference to school districts that propose a holistic approach to drop-out prevention, directed at a broad array of students, from the pre-kindergarten level through early adulthood, including the following characteristics:

(1) A collaborative approach between the school district and various community organizations, including non-profit organizations, local governmental organizations, law enforcement agencies, “approved public institutions” and “approved private institutions” as such terms are defined in section 173.1102, RSMo, and institutions able to deliver proven, research-based intervention services;

(2) Early intervention strategies, including family engagement, early childhood education, early literacy development, family literacy, and mental health detection and treatment;

(3) Increased accountability measures that track at-risk students that leave the district;

(4) The implementation or augmentation of the following basic core strategies for drop-out prevention:

(a) Mentoring;

(b) Tutoring;

(c) Alternative Schooling;

(d) Career and Technical Education; and

(e) Before or After School Programs;

(5) The implementation of early intervention strategies for students who display strong indicators that they will not persist to graduation.

3. Grants awarded under this section shall be restricted to school districts that display at least one of the following criteria:

(1) The district has not met the graduation rate indicated on its most current annual performance review;

(2) The district is classified as unaccredited, provisionally accredited, or interim accredited by the state board of education;

(3) The district obtained a score on its most recent annual performance review consistent with the classification of provisionally accredited or unaccredited.

4. The department of elementary and secondary education shall promulgate rules, no later than January 15, 2009, for the implementation of this section, including:

(1) A procedure by which funds shall be allocated to the applying school districts; and

(2) A means to judge the effectiveness of the drop-out prevention programs of the districts that receive grants under this program.

Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

5. The department of elementary and secondary education may cease award payments to any district at any time if the department determines that such funds are being misused or if the district's drop-out prevention program is deemed to be ineffectual. Any decision to discontinue payments of such funds shall be presented to the applicable district in writing at least thirty days prior to the cessation of fund payments.

6. The department of elementary and secondary education shall report to the general assembly and to the governor, no later than January fifteenth annually:

(1) The recipients and amounts of the grants awarded under this section; and

(2) The persistence to graduation data from the preceding five years for each district awarded grants under this section.

7. The general assembly shall annually appropriate an amount sufficient to properly fund the provisions of this section, which shall be a minimum of five million dollars in any fiscal year.

8. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Bray offered SA 1 to SA 15, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 15**

Amend Senate Amendment No. 15 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1722, Page 4, Section 160.950, Lines 18-21, by striking all of said lines from the bill; and

Further renumber the remaining subsection accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

SA 15 was again taken up.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Bray offered SA 16:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1722, Page 1, In the Title, Line 8 of the title, by inserting after "RSMo," the following: "and section 168.021 as truly agreed to and finally passed by senate bill no. 1066, ninety-fourth general assembly, second regular session, and signed by the governor,"; and

Further amend said bill and page, Section A, Line 6 of said page, by inserting after "RSMo," the following: "and section 168.021 as truly agreed to and finally passed by senate bill no. 1066, ninety-fourth general assembly, second regular session, and signed by the governor,"; and

Further amend said bill, Page 67, Section 167.630, Line 21 of said page, by inserting after all of said line the following:

"168.021. 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it,

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctoral degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to rules adopted by the state board of education, and shall be restricted to those certificates established pursuant to subdivision (1) of subsection 3 of this section; [or]

(3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate-level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed; **or**

(4) By the state board, under rules and regulations prescribed by it, on the basis of certification by the American Board for Certification of Teacher Excellence (ABCTE) and verification of ability to work with children as demonstrated by sixty contact hours in any one of the following areas as validated by the school principal: sixty contact hours in the classroom, of which at least forty-five

must be teaching; sixty contact hours as a substitute teacher, with at least thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private school; or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE certificate of license to teach, except that such certificate shall not be granted for the areas of early childhood education, elementary education, or special education. Upon the completion of the requirements listed in paragraphs (a), (b), (c), (d), and (e) of this subdivision, an applicant shall be eligible to apply for a career continuous professional certificate under subdivision (2) of subsection 3 of this section:

(a) Completion of thirty contact hours of professional development within four years, which may include hours spent in class in an appropriate college curriculum;

(b) Validated completion of two years of a district mentoring program approved by the state board of education, or, if the district does not have such a mentoring program, then validated completion of two years of the mentoring program of the American Board for Certification of Teacher Excellence;

(c) Attainment of a successful performance-based teacher evaluation, as determined by the district, on an annual basis;

(d) Participation in a beginning teacher assistance program; and

(e) Attainment of a qualifying score on the pedagogy examination designated by the state board of education for certification of alternatively certified teachers.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall be exempt from the professional development requirements of this section and shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or continuous professional certificate shall, upon expiration of his or her current certificate, be issued the appropriate level of certificate based upon the classification system established pursuant to subsection 3 of this section.

3. Certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education. The state board shall provide for the following levels of professional certification: an initial professional certificate and a career continuous professional certificate.

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education. The state board shall require holders of the four-year initial professional certificate to:

(a) Participate in a mentoring program approved and provided by the district for a minimum of two years;

(b) Complete thirty contact hours of professional development, which may include hours spent in class in an appropriate college curriculum; and

(c) Participate in a beginning teacher assistance program;

(2) (a) The career continuous professional certificate shall be issued upon verification of completion

of four years of teaching under the initial professional certificate and upon verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of subdivision (1) of this subsection **or paragraphs (a), (b), (c), (d), and (e) of subdivision (4) of subsection 1 of this section.**

(b) The career continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines and completion of fifteen contact hours of professional development per year which may include hours spent in class in an appropriate college curriculum. Should the possessor of a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour professional development requirement, the possessor may, within two years, make up the missing hours. In order to make up for missing hours, the possessor shall first complete the fifteen-hour requirement for the current year and then may count hours in excess of the current year requirement as make-up hours. Should the possessor fail to make up the missing hours within two years, the certificate shall become inactive. In order to reactivate the certificate, the possessor shall complete twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate. The requirements of this paragraph shall be monitored and verified by the local school district which employs the holder of the career continuous professional certificate.

(c) A holder of a career continuous professional certificate shall be exempt from the professional development contact hour requirements of paragraph (b) of this subdivision if such teacher has a local professional development plan in place within such teacher's school district and meets two of the three following criteria:

- a. Has ten years of teaching experience as defined by the state board of education;
- b. Possesses a master's degree; or
- c. Obtains a rigorous national certification as approved by the state board of education.

4. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures allowing a teacher who has not been employed in an educational position for three years or more to reactivate his or her last level of certification by completing twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate.

5. The state board shall, upon an appropriate background check, issue a professional certificate classification in the areas most closely aligned with an applicant's current areas of certification, commensurate with the years of teaching experience of the applicant, to any person who is hired to teach in a public school in this state and who possesses a valid teaching certificate from another state, provided that the certificate holder shall annually complete the state board's requirements for such level of certification, and shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach.

6. The state board may assess to holders of an initial professional certificate a fee, to be deposited into the excellence in education revolving fund established pursuant to section 160.268, RSMo, for the issuance of the career continuous professional certificate. However, such fee shall not exceed the combined costs of issuance and any criminal background check required as a condition of issuance. **Applicants for the initial**

ABCTE certificate shall be responsible for any fees associated with the program leading to the issuance of the certificate, but nothing in this section shall prohibit a district from developing a policy that permits fee reimbursement.

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to his or her original date of employment in a Missouri public school.

8. The provisions of subdivision (4) of subsection 1 of this section, as well as any other provision of this section relating to the American Board for Certification of Teacher Excellence, shall terminate on August 28, 2014.”; and

Further amend said bill, page 94, section 160.730, line 31 of said page, by inserting immediately after said line the following:

“[168.021. 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it,

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctoral degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to rules adopted by the state board of education, and shall be restricted to those certificates established pursuant to subdivision (1) of subsection 3 of this section; [or]

(3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate-level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed; **or**

(4) By the state board, under rules and regulations prescribed by it, on the basis of certification by the American Board for Certification of Teacher Excellence (ABCTE) and

verification of ability to work with children as demonstrated by sixty contact hours in any one of the following areas as validated by the school principal: sixty contact hours in the classroom, of which at least forty-five must be teaching; sixty contact hours as a substitute teacher, with at least thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private school; or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE certificate of license to teach, except that such certificate shall not be granted for the areas of early childhood education, elementary education, or special education. Upon the completion of the requirements listed in paragraphs (a), (b), (c), and (d) of this subdivision, an applicant shall be eligible to apply for a career continuous professional certificate under subdivision (2) of subsection 3 of this section:

(a) Completion of thirty contact hours of professional development within four years, which may include hours spent in class in an appropriate college curriculum;

(b) Validated completion of two years of the mentoring program of the American Board for Certification of Teacher Excellence or a district mentoring program approved by the state board of education;

(c) Attainment of a successful performance-based teacher evaluation; and

(d) Participate in a beginning teacher assistance program.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall be exempt from the professional development requirements of this section and shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or continuous professional certificate shall, upon expiration of his or her current certificate, be issued the appropriate level of certificate based upon the classification system established pursuant to subsection 3 of this section.

3. Certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education. The state board shall provide for the following levels of professional certification: an initial professional certificate and a career continuous professional certificate.

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education. The state board shall require holders of the four-year initial professional certificate to:

(a) Participate in a mentoring program approved and provided by the district for a minimum of two years;

(b) Complete thirty contact hours of professional development, which may include hours spent in class in an appropriate college curriculum; and

(c) Participate in a beginning teacher assistance program;

(2) (a) The career continuous professional certificate shall be issued upon verification of

completion of four years of teaching under the initial professional certificate and upon verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of subdivision (1) of this subsection **or paragraphs (a), (b), (c), and (d) of subdivision (4) of subsection 1 of this section.**

(b) The career continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines and completion of fifteen contact hours of professional development per year which may include hours spent in class in an appropriate college curriculum. Should the possessor of a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour professional development requirement, the possessor may, within two years, make up the missing hours. In order to make up for missing hours, the possessor shall first complete the fifteen-hour requirement for the current year and then may count hours in excess of the current year requirement as make-up hours. Should the possessor fail to make up the missing hours within two years, the certificate shall become inactive. In order to reactivate the certificate, the possessor shall complete twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate. The requirements of this paragraph shall be monitored and verified by the local school district which employs the holder of the career continuous professional certificate.

(c) A holder of a career continuous professional certificate shall be exempt from the professional development contact hour requirements of paragraph (b) of this subdivision if such teacher has a local professional development plan in place within such teacher's school district and meets two of the three following criteria:

- a. Has ten years of teaching experience as defined by the state board of education;
- b. Possesses a master's degree; or
- c. Obtains a rigorous national certification as approved by the state board of education.

4. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures allowing a teacher who has not been employed in an educational position for three years or more to reactivate his or her last level of certification by completing twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate.

5. The state board shall, upon an appropriate background check, issue a professional certificate classification in the areas most closely aligned with an applicant's current areas of certification, commensurate with the years of teaching experience of the applicant, to any person who is hired to teach in a public school in this state and who possesses a valid teaching certificate from another state, provided that the certificate holder shall annually complete the state board's requirements for such level of certification, and shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach.

6. The state board may assess to holders of an initial professional certificate a fee, to be deposited into the excellence in education revolving fund established pursuant to section 160.268, RSMo, for the issuance of the career continuous professional certificate. However, such fee shall not exceed the combined costs of issuance and any criminal background check required as a condition of issuance. **Applicants for the initial ABCTE certificate shall be responsible for any fees associated with the program leading to the issuance of the certificate, but nothing in this section shall prohibit a district from developing a policy that permits fee reimbursement.**

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to his or her original date of employment in a Missouri public school.

8. The provisions of subdivision (4) of subsection 1 of this section, as well as any other provision of this section relating to the American Board for Certification of Teacher Excellence, shall terminate on August 28, 2014.]”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Scott assumed the Chair.

Senator Bray offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1722, Page 13, Section 160.261, Line 7 of said page, by inserting immediately after all of said line the following:

“160.405. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a school board, the applicant shall give a copy of its application to the school board of the district in which the charter school is to be located and to the state board of education, within five business days of the date the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall include a mission statement for the charter school, a description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy and operational decisions of the charter school, a financial plan for the first three years of operation of the charter school including provisions for annual audits, a description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan, a description of the grades or ages of students being served, the school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011, and an outline of criteria specified in this section designed to measure the effectiveness of the school. The charter shall also state:

- (1) The educational goals and objectives to be achieved by the charter school;
- (2) A description of the charter school's educational program and curriculum;

(3) The term of the charter, which shall be not less than five years, nor greater than ten years and shall be renewable;

(4) A description of the charter school's pupil performance standards, which must meet the requirements of subdivision (6) of subsection 5 of this section. The charter school program must be designed to enable each pupil to achieve such standards;

(5) A description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school; and

(6) A description of the charter school's policies on student discipline and student admission, which shall include a statement, where applicable, of the validity of attendance of students who do not reside in the district but who may be eligible to attend under the terms of judicial settlements.

2. Proposed charters shall be subject to the following requirements:

(1) A charter may be approved when the sponsor determines that the requirements of this section are met and determines that the applicant is sufficiently qualified to operate a charter school. The sponsor's decision of approval or denial shall be made within ninety days of the filing of the proposed charter;

(2) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial and forward a copy to the state board of education within five business days following the denial;

(3) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to the state board of education, along with the sponsor's written reasons for its denial. If the state board determines that the applicant meets the requirements of this section, that the applicant is sufficiently qualified to operate the charter school, and that granting a charter to the applicant would be likely to provide educational benefit to the children of the district, the state board may grant a charter and act as sponsor of the charter school. The state board shall review the proposed charter and make a determination of whether to deny or grant the proposed charter within sixty days of receipt of the proposed charter, provided that any charter to be considered by the state board of education under this subdivision shall be submitted no later than March first prior to the school year in which the charter school intends to begin operations. The state board of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

(4) The sponsor of a charter school shall give priority to charter school applicants that propose a school oriented to high-risk students and to the reentry of dropouts into the school system. If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk" student is one who is at least one year behind in satisfactory completion of course work or obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime within the preceding six months, has limited English proficiency, has been suspended from school three or more times, is eligible for free or reduced-price school lunch, or has been referred by the school district for enrollment in an alternative program. "Dropout" shall be defined through the guidelines of the school core data report. The provisions of this subsection do not apply to charters sponsored by the state board of education.

3. If a charter is approved by a sponsor, the charter application shall be submitted to the state board of

education, along with a statement of finding that the application meets the requirements of sections 160.400 to 160.420 and section 167.439, RSMo, and a monitoring plan under which the charter sponsor will evaluate the academic performance of students enrolled in the charter school. The state board of education may, within sixty days, disapprove the granting of the charter. The state board of education may disapprove a charter on grounds that the application fails to meet the requirements of sections 160.400 to 160.420 and section 167.349, RSMo, or that a charter sponsor previously failed to meet the statutory responsibilities of a charter sponsor.

4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject to judicial review pursuant to chapter 536, RSMo.

5. A charter school shall, as provided in its charter:

(1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;

(2) Comply with laws and regulations of the state, county, or city relating to health, safety, and state minimum educational standards, as specified by the state board of education, including the requirements relating to student discipline under sections 160.261, 167.161, 167.164, and 167.171, RSMo, notification of criminal conduct to law enforcement authorities under sections 167.115 to 167.117, RSMo, academic assessment under section 160.518, transmittal of school records under section 167.020, RSMo, and the minimum number of school days and hours required under section 160.041;

(3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules relating to schools, governing boards and school districts;

(4) Be financially accountable, use practices consistent with the Missouri financial accounting manual, provide for an annual audit by a certified public accountant, publish audit reports and annual financial reports as provided in chapter 165, RSMo, provided that the annual financial report may be published on the department of elementary and secondary education's Internet web site in addition to other publishing requirements, and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. A charter school that receives local educational agency status under subsection 6 of this section shall meet the requirements imposed by the Elementary and Secondary Education Act for audits of such agencies. For purposes of an audit by petition under section 29.230, RSMo, a charter school shall be treated as a political subdivision on the same terms and conditions as the school district in which it is located. For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo. A charter school that incurs debt must include a repayment plan in its financial plan;

(5) Provide a comprehensive program of instruction for at least one grade or age group from kindergarten through grade twelve, which may include early childhood education if funding for such programs is established by statute, as specified in its charter;

(6) (a) Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, collect baseline data during at least the first three years for determining how the charter school is performing and to the extent applicable, participate in the statewide system of assessments, comprised of the essential skills tests and the nationally standardized norm-referenced achievement tests, as designated by the state board pursuant to section 160.518, complete and distribute an annual report card as prescribed in section 160.522, which shall also include a statement that background checks have been completed on the charter school's board members, report to its sponsor,

the local school district, and the state board of education as to its teaching methods and any educational innovations and the results thereof, and provide data required for the study of charter schools pursuant to subsection 4 of section 160.410. No charter school will be considered in the Missouri school improvement program review of the district in which it is located for the resource or process standards of the program.

(b) For proposed high risk or alternative charter schools, sponsors shall approve performance measures based on mission, curriculum, teaching methods, and services. Sponsors shall also approve comprehensive academic and behavioral measures to determine whether students are meeting performance standards on a different time frame as specified in that school's charter. Student performance shall be assessed comprehensively to determine whether a high risk or alternative charter school has documented adequate student progress. Student performance shall be based on sponsor-approved comprehensive measures as well as standardized public school measures. Annual presentation of charter school report card data to the department of elementary and secondary education, the state board, and the public shall include comprehensive measures of student progress.

(c) Nothing in this paragraph shall be construed as permitting a charter school to be held to lower performance standards than other public schools within a district; however, the charter of a charter school may permit students to meet performance standards on a different time frame as specified in its charter;

(7) Assure that the needs of special education children are met in compliance with all applicable federal and state laws and regulations;

(8) Provide along with any request for review by the state board of education the following:

(a) Documentation that the applicant has provided a copy of the application to the school board of the district in which the charter school is to be located, except in those circumstances where the school district is the sponsor of the charter school; and

(b) A statement outlining the reasons for approval or disapproval by the sponsor, specifically addressing the requirements of sections 160.400 to 160.420 and 167.349, RSMo.

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management and operations at least once every two years or at any point where the operation or management of the charter school is changed or transferred to another entity, either public or private. The governing board of a charter school may amend the charter, if the sponsor approves such amendment, or the sponsor and the governing board may reach an agreement in writing to reflect the charter school's decision to become a local educational agency for the sole purpose of seeking direct access to federal grants. In such case the sponsor shall give the department of elementary and secondary education written notice no later than March first of any year, with the agreement to become effective July first. The department may waive the March first notice date in its discretion. The department shall identify and furnish a list of its regulations that pertain to local educational agencies to such schools within thirty days of receiving such notice.

7. (1) A sponsor may revoke a charter at any time if the charter school commits a serious breach of one or more provisions of its charter or on any of the following grounds: failure to meet academic performance standards as set forth in its charter, failure to meet generally accepted standards of fiscal management, failure to provide information necessary to confirm compliance with all provisions of the charter and sections 160.400 to 160.420 and 167.349, RSMo, within forty-five days following receipt of written notice

requesting such information, or violation of law.

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, which may require a change of methodology, a change in leadership, or both, after which, if such plan is unsuccessful, the charter may be revoked.

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the governing board of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action. The school's governing board may request in writing a hearing before the sponsor within two weeks of receiving the notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. Final decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial review pursuant to chapter 536, RSMo.

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to the health and safety of the children.

(6) A charter sponsor shall make available the school accountability report card information as provided under section 160.522 and the results of the academic monitoring required under subsection 3 of this section.

(7) Any charter school that attains a score on its annual performance review consistent with the classification of unaccredited shall be classified as unaccredited by the state board of education within sixty days of the publication of the annual performance review data. Any charter school classified as unaccredited by the state board of education for two successive school years shall have their charter revoked on June thirtieth of the second full school year of such unaccredited classification after the school year during which the unaccredited classification is initially assigned.

8. A sponsor shall take all reasonable steps necessary to confirm that each charter school sponsored by such sponsor is in material compliance and remains in material compliance with all material provisions of the charter and sections 160.400 to 160.420 and 167.349, RSMo. Every charter school shall provide all information necessary to confirm ongoing compliance with all provisions of its charter and sections 160.400 to 160.420 and 167.349, RSMo, in a timely manner to its sponsor.

9. A school district may enter into a lease with a charter school for physical facilities.

10. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program.

11. Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state. The governing board of a charter school may participate, to the same extent as a school board, in the

Missouri public entity risk management fund in the manner provided under sections 537.700 to 537.756, RSMo.

12. Any entity, either public or private, operating, administering, or otherwise managing a charter school shall be considered a quasi-public governmental body and subject to the provisions of sections 610.010 to 610.035, RSMo.

13. The chief financial officer of a charter school shall maintain a surety bond in an amount determined by the sponsor to be adequate based on the cash flow of the school.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Days, Kennedy and Smith.

SA 17 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Coleman	Days	Engler	Graham	Green	Justus
Kennedy	Shoemyer	Wilson—11					

NAYS—Senators

Bartle	Callahan	Champion	Crowell	Dempsey	Gibbons	Goodman	Griesheimer
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Smith	Stouffer—21			

Absent—Senator Clemens—1

Absent with leave—Senator Vogel—1

Vacancies—None

Senator Shoemyer offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1722, Page 83, Section 173.258, Line 11 of said page, by inserting after all of said line the following:

“173.270. 1. The coordinating board for higher education shall make provisions for institutions under the board's jurisdiction to award a tuition and fee waiver for undergraduate courses at state institutions of higher education for any student, beginning with incoming freshmen in the 2009 fall semester or term, who:

(1) Is a resident of this state;

(2) Has graduated within the previous three years from high school or passed the GED examination; and

(3) Has been in foster care or other residential care under the department of social services:

(a) On or after the day preceding the student's eighteenth birthday;

(b) On or after the day of the student's fourteenth birthday, if the student was also eligible for adoption on or after that day;

(c) On or after the day the student graduated from high school or received a GED; or

(d) For the previous two years.

2. To be eligible for a waiver award, a student shall:

(1) Apply to and be accepted at the institution not later than:

(a) The third anniversary of the date the student was discharged from foster or other residential care, the date the student graduated from high school, or the date the student received a GED, whichever is earliest; or

(b) The student's twenty-first birthday;

(2) Apply for other student financial assistance, other than student loans, in compliance with federal financial aid rules, including the federal Pell grant;

(3) Apply to the coordinating board for higher education for a determination of eligibility. Application shall be on forms and in a manner prescribed by rule of the coordinating board; and

(4) Complete a minimum of one hundred ten hours of community service or public internship within a twelve-month period beginning September first for each year in which the student is receiving a tuition and fee waiver award under this section. The department of higher education, shall by rule determine the community service and public internships that students may participate in to meet the requirements of this subdivision. A student may fulfill this requirement by completing the necessary community service or public internship hours during the summer.

3. The tuition and fee waiver provided by this section shall be awarded on an annual basis, subject to appropriation, and shall continue to be available, if the student is otherwise eligible under this section, as long as the student remains in good academic standing at the state institution of higher education. The institution shall monitor compliance with subdivision (4) of subsection 2 of this section and report it to the department of higher education.

4. The waiver provided by this section for each eligible student may be used for no more than four years of undergraduate study and may only be used after other sources of financial aid that are dedicated solely to tuition and fees are exhausted.

5. No student who is enrolled in an institution of higher education as of August 28, 2008, shall be eligible for a waiver award under this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted.

At the request of Senator Mayer, **HCS** for **HB 1722**, with **SCS**, **SS** for **SCS** and **SA 18** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **SCS** for **SBs 1034** and **802**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 1209**, entitled:

An Act to repeal sections 21.810, 67.1360, 94.900, 94.902, 135.090, 142.869, 144.030, 144.270, 155.010, 242.230, 242.500, 245.020, 245.105, 245.197, 246.305, and 478.466, RSMo, and to enact in lieu thereof twenty-six new sections relating to taxes and fees, with penalty provisions, and with an emergency clause.

With House Amendment Nos. 1 and 2, House Substitute Amendment No. 1 for House Amendment No. 3, House Amendment Nos. 4, 5, 6, 7 and 8, House Substitute Amendment No.1 for House Amendment No. 9 and House Amendment No. 10.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1209, Page 28, Section 190.450, Lines 1 to 8, by deleting all of said lines; and

Further amend said bill, Page 29, Section 190.451, Lines 1 to 22, by deleting all of said lines; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1209, Page 3, Section 21.810, Line 55, by inserting after all of said line the following:

“32.057. 1. Except as otherwise specifically provided by law, it shall be unlawful for the director of revenue, any officer, employee, agent or deputy or former director, officer, employee, agent or deputy of the department of revenue, any person engaged or retained by the department of revenue on an independent contract basis, any person to whom authorized or unauthorized disclosure is made by the department of revenue, or any person who lawfully or unlawfully inspects any report or return filed with the department of revenue or to whom a copy, an abstract or a portion of any report or return is furnished by the department of revenue to make known in any manner, to permit the inspection or use of or to divulge to anyone any information relative to any such report or return, any information obtained by an investigation conducted by the department in the discharge of official duty, or any information received by the director in cooperation with the United States or other states in the enforcement of the revenue laws of this state. Such

confidential information is limited to information received by the department in connection with the administration of the tax laws of this state.

2. Nothing in this section shall be construed to prohibit:

(1) The disclosure of information, returns, reports, or facts shown thereby, as described in subsection 1 of this section, by any officer, clerk or other employee of the department of revenue charged with the custody of such information:

(a) To a taxpayer or the taxpayer's duly authorized representative under regulations which the director of revenue may prescribe;

(b) In any action or proceeding, civil, criminal or mixed, brought to enforce the revenue laws of this state;

(c) To the state auditor or the auditor's duly authorized employees as required by subsection 4 of this section;

(d) To any city officer designated by ordinance of a city within this state to collect a city earnings tax, upon written request of such officer, which request states that the request is made for the purpose of determining or enforcing compliance with such city earnings tax ordinance and provided that such information disclosed shall be limited to that sufficient to identify the taxpayer, and further provided that in no event shall any information be disclosed that will result in the department of revenue being denied such information by the United States or any other state. The city officer requesting the identity of taxpayers filing state returns but not paying city earnings tax shall furnish to the director of revenue a list of taxpayers paying such earnings tax, and the director shall compare the list submitted with the director's records and return to such city official the name and address of any taxpayer who is a resident of such city who has filed a state tax return but who does not appear on the list furnished by such city. The director of revenue may set a fee to reimburse the department for the costs reasonably incurred in providing this information;

(e) To any employee of any county or other political subdivision imposing a sales tax which is administered by the state department of revenue whose office is authorized by the governing body of the county or other political subdivision to receive any and all records of the state director of revenue pertaining to the administration, collection and enforcement of its sales tax. The request for sales tax records and reports shall include a description of the type of report requested, the media form including electronic transfer, computer tape or disk, or printed form, and the frequency desired. The request shall be made by annual written application and shall be filed with the director of revenue. The director of revenue may set a fee to reimburse the department for the costs reasonably incurred in providing this information. Such city or county or any employee thereof shall be subject to the same standards for confidentiality as required for the department of revenue in using the information contained in the reports;

(f) To the director of the department of economic development or the director's duly authorized employees in discharging the director's official duties to certify taxpayers eligibility to claim state tax credits as prescribed by statutes;

(g) To any employee of any political subdivision, such records of the director of revenue pertaining to the administration, collection and enforcement of the tax imposed in chapter 149, RSMo, as are necessary for ensuring compliance with any cigarette or tobacco tax imposed by such political subdivision. The request for such records shall be made in writing to the director of revenue, and shall include a description of the type of information requested and the desired frequency. The director of revenue may charge a fee

to reimburse the department for costs reasonably incurred in providing such information;

(2) The publication by the director of revenue or of the state auditor in the audit reports relating to the department of revenue of:

(a) Statistics, statements or explanations so classified as to prevent the identification of any taxpayer or of any particular reports or returns and the items thereof;

(b) The names and addresses without any additional information of persons who filed returns and of persons whose tax refund checks have been returned undelivered by the United States Post Office;

(3) The director of revenue from permitting the Secretary of the Treasury of the United States or the Secretary's delegates, the proper officer of any state of the United States imposing a tax equivalent to any of the taxes administered by the department of revenue of the state of Missouri or the appropriate representative of the multistate tax commission to inspect any return or report required by the respective tax provision of this state, or may furnish to such officer an abstract of the return or report or supply the officer with information contained in the return or disclosed by the report of any authorized investigation. Such permission, however, shall be granted on condition that the corresponding revenue statute of the United States or of such other state, as the case may be, grants substantially similar privileges to the director of revenue and on further condition that such corresponding statute gives confidential status to the material with which it is concerned;

(4) The disclosure of information, returns, reports, or facts shown thereby, by any person on behalf of the director of revenue, in any action or proceeding to which the director is a party or on behalf of any party to any action or proceeding pursuant to the revenue laws of this state when such information is directly involved in the action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of such information as is pertinent to the action or proceeding and no more;

(5) The disclosure of information, returns, reports, or facts shown thereby, by any person to a state or federal prosecuting official, including, but not limited to, the state and federal attorneys general, or the official's designees involved in any criminal, quasi-criminal, or civil investigation, action or proceeding pursuant to the laws of this state or of the United States when such information is pertinent to an investigation, action or proceeding involving the administration of the revenue laws or duties of public office or employment connected therewith;

(6) Any school district from obtaining the aggregate amount of the financial institution tax paid pursuant to chapter 148, RSMo, by financial institutions located partially or exclusively within the school district's boundaries, provided that the school district request such disclosure in writing to the department of revenue;

(7) The disclosure of records which identify all companies licensed by this state pursuant to the provisions of subsections 1 and 2 of section 149.035, RSMo. The director of revenue may charge a fee to reimburse the department for the costs reasonably incurred in providing such records;

(8) The disclosure to the commissioner of administration pursuant to section 34.040, RSMo, of a list of vendors and their affiliates who meet the conditions of section 144.635, RSMo, but refuse to collect the use tax levied pursuant to chapter 144, RSMo, on their sales delivered to this state;

(9) The disclosure to the public of any information, returns, reports, or facts shown thereby regarding the claiming of a state tax credit by a member of the Missouri general assembly.

3. Any person violating any provision of subsection 1 or 2 of this section shall, upon conviction, be guilty of a class D felony.

4. The state auditor or the auditor's duly authorized employees who have taken the oath of confidentiality required by section 29.070, RSMo, shall have the right to inspect any report or return filed with the department of revenue if such inspection is related to and for the purpose of auditing the department of revenue; except that, the state auditor or the auditor's duly authorized employees shall have no greater right of access to, use and publication of information, audit and related activities with respect to income tax information obtained by the department of revenue pursuant to chapter 143, RSMo, or federal statute than specifically exists pursuant to the laws of the United States and of the income tax laws of the state of Missouri.”; and

Further amend said bill, Page 15, Section 94.1011, Line 49, by inserting after all of said line the following:

“105.485. 1. Each financial interest statement required by sections 105.483 to 105.492 shall be on a form prescribed by the commission and shall be signed and verified by a written declaration that it is made under penalties of perjury; provided, however, the form shall not seek information which is not specifically required by sections 105.483 to 105.492.

2. Each person required to file a financial interest statement pursuant to subdivisions (1) to (12) of section 105.483 shall file the following information for himself, his spouse and dependent children at any time during the period covered by the statement, whether singularly or collectively; provided, however, that said person, if he does not know and his spouse will not divulge any information required to be reported by this section concerning the financial interest of his spouse, shall state on his financial interest statement that he has disclosed that information known to him and that his spouse has refused or failed to provide other information upon his bona fide request, and such statement shall be deemed to satisfy the requirements of this section for such financial interest of his spouse; and provided further if the spouse of any person required to file a financial interest statement is also required by section 105.483 to file a financial interest statement, the financial interest statement filed by each need not disclose the financial interest of the other, provided that each financial interest statement shall state that the spouse of the person has filed a separate financial interest statement and the name under which the statement was filed:

(1) The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;

(2) The name and address of each sole proprietorship which he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partners' units; and the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

(3) The name and address of any other source not reported pursuant to subdivisions (1) and (2) and subdivisions (4) to (9) of this subsection from which such person received one thousand dollars or more of income during the year covered by the statement, including, but not limited to, any income otherwise

required to be reported on any tax return such person is required by law to file; except that only the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system need be reported pursuant to this subdivision;

(4) The location by county, the subclassification for property tax assessment purposes, the approximate size and a description of the major improvements and use for each parcel of real property in the state, other than the individual's personal residence, having a fair market value of ten thousand dollars or more in which such person held a vested interest including a leasehold for a term of ten years or longer, and, if the property was transferred during the year covered by the statement, the name and address of the persons furnishing or receiving consideration for such transfer;

(5) The name and address of each entity in which such person owned stock, bonds or other equity interest with a value in excess of ten thousand dollars; except that, if the entity is a corporation listed on a regulated stock exchange, only the name of the corporation need be listed; and provided that any member of any board or commission of the state or any political subdivision who does not receive any compensation for his services to the state or political subdivision other than reimbursement for his actual expenses or a per diem allowance as prescribed by law for each day of such service need not report interests in publicly traded corporations or limited partnerships which are listed on a regulated stock exchange or automated quotation system pursuant to this subdivision; and provided further that the provisions of this subdivision shall not require reporting of any interest in any qualified plan or annuity pursuant to the Employees' Retirement Income Security Act;

(6) The name and address of each corporation for which such person served in the capacity of a director, officer or receiver;

(7) The name and address of each not-for-profit corporation and each association, organization, or union, whether incorporated or not, except not-for-profit corporations formed to provide church services, fraternal organizations or service clubs from which the officer or employee draws no remuneration, in which such person was an officer, director, employee or trustee at any time during the year covered by the statement, and for each such organization, a general description of the nature and purpose of the organization;

(8) The name and address of each source from which such person received a gift or gifts, or honorarium or honoraria in excess of two hundred dollars in value per source during the year covered by the statement other than gifts from persons within the third degree of consanguinity or affinity of the person filing the financial interest statement. For the purposes of this section, a "gift" shall not be construed to mean political contributions otherwise required to be reported by law or hospitality such as food, beverages or admissions to social, art, or sporting events or the like, or informational material. For the purposes of this section, a "gift" shall include gifts to or by creditors of the individual for the purpose of canceling, reducing or otherwise forgiving the indebtedness of the individual to that creditor;

(9) The lodging and travel expenses provided by any third person for expenses incurred outside the state of Missouri whether by gift or in relation to the duties of office of such official, except that such statement shall not include travel or lodging expenses:

(a) Paid in the ordinary course of business for businesses described in subdivisions (1), (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

(b) For which the official may be reimbursed as provided by law; or

(c) Paid by persons related by the third degree of consanguinity or affinity to the person filing the statement; or

(d) Expenses which are reported by the campaign committee or candidate committee of the person filing the statement pursuant to the provisions of chapter 130, RSMo; or

(e) Paid for purely personal purposes which are not related to the person's official duties by a third person who is not a lobbyist, a lobbyist principal or member, or officer or director of a member, of any association or entity which employs a lobbyist. The statement shall include the name and address of such person who paid the expenses, the date such expenses were incurred, the amount incurred, the location of the travel and lodging, and the nature of the services rendered or reason for the expenses;

(10) The assets in any revocable trust of which the individual is the settlor if such assets would otherwise be required to be reported under this section;

(11) The name, position and relationship of any relative within the first degree of consanguinity or affinity to any other person who:

(a) Is employed by the state of Missouri, by a political subdivision of the state or special district, as defined in section 115.013, RSMo, of the state of Missouri;

(b) Is a lobbyist; or

(c) Is a fee agent of the department of revenue;

(12) The name and address of each campaign committee, political committee, candidate committee, or continuing committee for which such person or any corporation listed on such person's financial interest statement received payment; **and**

(13) For members of the general assembly or any statewide elected public official, their spouses, and their dependent children, whether any state tax credits were claimed on the member's, spouse's, or dependent child's most recent state income tax return.

3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this section, an individual shall be deemed to have received a salary from his employer or income from any source at the time when he shall receive a negotiable instrument whether or not payable at a later date and at the time when under the practice of his employer or the terms of an agreement, he has earned or is entitled to anything of actual value whether or not delivery of the value is deferred or right to it has vested. The term "income" as used in this section shall have the same meaning as provided in the Internal Revenue Code of 1986, and amendments thereto, as the same may be or becomes effective, at any time or from time to time for the taxable year, provided that income shall not be considered received or earned for purposes of this section from a partnership or sole proprietorship until such income is converted from business to personal use.

4. Each official, officer or employee or candidate of any political subdivision described in subdivision (11) of section 105.483 shall be required to file a financial interest statement as required by subsection 2 of this section, unless the political subdivision biennially adopts an ordinance, order or resolution at an open meeting by September fifteenth of the preceding year, which establishes and makes public its own method of disclosing potential conflicts of interest and substantial interests and therefore excludes the political subdivision or district and its officers and employees from the requirements of subsection 2 of this section. A certified copy of the ordinance, order or resolution shall be sent to the commission within ten days of its adoption. The commission shall assist any political subdivision in developing forms to complete the

requirements of this subsection. The ordinance, order or resolution shall contain, at a minimum, the following requirements with respect to disclosure of substantial interests:

(1) Disclosure in writing of the following described transactions, if any such transactions were engaged in during the calendar year:

(a) For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision;

(b) The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision;

(2) The chief administrative officer and chief purchasing officer of such political subdivision shall disclose in writing the information described in subdivisions (1), (2) and (6) of subsection 2 of this section;

(3) Disclosure of such other financial interests applicable to officials, officers and employees of the political subdivision, as may be required by the ordinance or resolution;

(4) Duplicate disclosure reports made pursuant to this subsection shall be filed with the commission and the governing body of the political subdivision. The clerk of such governing body shall maintain such disclosure reports available for public inspection and copying during normal business hours.

135.030. 1. As used in this section:

(1) The term “maximum upper limit” shall, for each calendar year after December 31, 1997, but before calendar year 2008, be the sum of twenty-five thousand dollars. For [the] **all** calendar [year] **years** beginning on **or after** January 1, 2008, the maximum upper limit shall be the sum of twenty-seven thousand five hundred dollars;

(2) The term “minimum base” shall, for each calendar year after December 31, 1997, but before calendar year 2008, be the sum of thirteen thousand dollars. For [the] **all** calendar [year] **years** beginning **on or after** January 1, 2008, the minimum base shall be the sum of fourteen thousand three hundred dollars.

2. If the income on a return is equal to or less than the maximum upper limit for the calendar year for which the return is filed, the property tax credit shall be determined from a table of credits based upon the amount by which the total property tax described in section 135.025 exceeds the percent of income in the following list:

If the income on the return is:

Not over the minimum base

The percent is:

0 percent with credit not to
exceed actual property tax
or rent equivalent paid up
to [\$750] **\$1,100**

Over the minimum base but	1/16 percent accumulative
not over the maximum upper	per \$300 from 0 percent
limit	to 4 percent.

The director of revenue shall prescribe a table based upon the preceding sentences. The property tax shall be in increments of twenty-five dollars and the income in increments of three hundred dollars. The credit shall be the amount rounded to the nearest whole dollar computed on the basis of the property tax and income at the midpoints of each increment. As used in this subsection, the term “accumulative” means an increase by continuous or repeated application of the percent to the income increment at each three hundred dollar level.

3. Notwithstanding subsection 4 of section 32.057, RSMo, the department of revenue or any duly authorized employee or agent shall determine whether any taxpayer filing a report or return with the department of revenue who has not applied for the credit allowed pursuant to section 135.020 may qualify for the credit, and shall notify any qualified claimant of the claimant's potential eligibility, where the department determines such potential eligibility exists.

135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, RSMo, except sections 143.191 to 143.261, RSMo, as a production incentive to produce processed wood products in a qualified wood producing facility using Missouri forest product residue. The tax credit to the wood energy producer shall be five dollars per ton of processed material. The credit may be claimed for a period of five years and is to be a tax credit against the tax otherwise due. **No new tax credits, provided for under sections 135.300 to 135.311, shall be authorized after June 30, 2013.**”; and

Further amend said bill, Page 18, Section 135.610, Line 50, by inserting after all of said line the following:

“135.800. 1. The provisions of sections 135.800 to 135.830 shall be known and may be cited as the “Tax Credit Accountability Act of 2004”.

2. As used in sections 135.800 to 135.830, the following terms mean:

(1) “Administering agency”, the state agency or department charged with administering a particular tax credit program, as set forth by the program's enacting statute; where no department or agency is set forth, the department of revenue;

(2) “Agricultural tax credits”, the agricultural product utilization contributor tax credit created pursuant to section 348.430, RSMo, the new generation cooperative incentive tax credit created pursuant to section 348.432, RSMo, and the wine and grape production tax credit created pursuant to section 135.700;

(3) “All tax credit programs”, the tax credit programs included in the definitions of agricultural tax credits, business recruitment tax credits, community development tax credits, domestic and social tax credits, entrepreneurial tax credits, environmental tax credits, housing tax credits, redevelopment tax credits, and training and educational tax credits;

(4) “Business recruitment tax credits”, the business facility tax credit created pursuant to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created pursuant to sections 135.200 to 135.270, the business use incentives for large-scale development programs created pursuant to sections 100.700 to 100.850, RSMo, the development tax credits created pursuant to sections 32.100 to

32.125, RSMo, the rebuilding communities tax credit created pursuant to section 135.535, and the film production tax credit created pursuant to section 135.750;

(5) “Community development tax credits”, the neighborhood assistance tax credit created pursuant to sections 32.100 to 32.125, RSMo, the family development account tax credit created pursuant to sections 208.750 to 208.775, RSMo, the dry fire hydrant tax credit created pursuant to section 320.093, RSMo, and the transportation development tax credit created pursuant to section 135.545;

(6) “Domestic and social tax credits”, the youth opportunities tax credit created pursuant to section 135.460 and sections 620.1100 to 620.1103, RSMo, the shelter for victims of domestic violence created pursuant to section 135.550, the senior citizen or disabled person property tax credit created pursuant to sections 135.010 to 135.035, the special needs adoption tax credit created pursuant to sections 135.325 to 135.339, the maternity home tax credit created pursuant to section 135.600, and the shared care tax credit created pursuant to section 660.055, RSMo;

(7) “Entrepreneurial tax credits”, the capital tax credit created pursuant to sections 135.400 to 135.429, the certified capital company tax credit created pursuant to sections 135.500 to 135.529, the seed capital tax credit created pursuant to sections 348.300 to 348.318, RSMo, the new enterprise creation tax credit created pursuant to sections 620.635 to 620.653, RSMo, the research tax credit created pursuant to section 620.1039, RSMo, the small business incubator tax credit created pursuant to section 620.495, RSMo, the guarantee fee tax credit created pursuant to section 135.766, and the new generation cooperative tax credit created pursuant to sections 32.105 to 32.125, RSMo;

(8) “Environmental tax credits”, the charcoal producer tax credit created pursuant to section 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311[, and the manufacturing and recycling flexible cellulose casing tax credit created pursuant to section 260.285, RSMo];

(9) “Housing tax credits”, the neighborhood preservation tax credit created pursuant to sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections 135.350 to 135.363, and the affordable housing tax credit created pursuant to sections 32.105 to 32.125, RSMo;

(10) “Recipient”, the individual or entity who is the original applicant for and who receives proceeds from a tax credit program directly from the administering agency, the person or entity responsible for the reporting requirements established in section 135.805;

(11) “Redevelopment tax credits”, the historic preservation tax credit created pursuant to sections 253.545 to 253.561, RSMo, the brownfield redevelopment program tax credit created pursuant to sections 447.700 to 447.718, RSMo, the community development corporations tax credit created pursuant to sections 135.400 to 135.430, the infrastructure tax credit created pursuant to subsection 6 of section 100.286, RSMo, the bond guarantee tax credit created pursuant to section 100.297, RSMo, and the disabled access tax credit created pursuant to section 135.490;

(12) “Training and educational tax credits”, the community college new jobs tax credit created pursuant to sections 178.892 to 178.896, RSMo[, the skills development account tax credit created pursuant to sections 620.1400 to 620.1460, RSMo, the mature worker tax credit created pursuant to section 620.1560, RSMo, and the sponsorship and mentoring tax credit created pursuant to section 135.348].”; and

Further amend said bill, Page 38, Section 478.466, Line 23, by inserting after all of said line the following:

“[135.348. 1. As used in this section, the following terms mean:

(1) “Approved program”, a sponsorship and mentoring program established pursuant to this section and approved by the department of elementary and secondary education;

(2) “Eligible student”, a resident pupil of a school district who is determined by the local school board to be eligible to participate in a sponsorship and mentoring program pursuant to this section and who participates in such program for no less than eight calendar months in the tax year for which a return is filed claiming a credit authorized in this section;

(3) “Net expenditures”, only those amounts paid or incurred for the participation of an eligible student participating in an approved sponsorship and mentoring program less any amounts received by the qualified taxpayer from any source for the provision of a sponsorship and mentoring program for an eligible student;

(4) “Qualified taxpayer”, an employer who makes expenditures pursuant to this section.

2. For taxable years commencing on or after January 1, 1998, a qualified taxpayer shall be allowed a credit against the tax imposed by chapter 143, RSMo, exclusive of the provisions relating to the withholding of tax as provided in sections 143.191 to 143.265, RSMo, to the extent of the lesser of two thousand dollars times the number of eligible students for which the qualified taxpayer is allowed a credit pursuant to this section or the net expenditures made directly or through a fund during a taxable year by the qualified taxpayer for the participation of an eligible student in an approved sponsorship and mentoring program established pursuant to this section. No credit shall be allowed for any amounts for which any other credit is claimed or allowed under any other provision of state law for the same net expenditures.

3. The tax credit allowed by this section shall be claimed by the qualified taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143, RSMo, after all other credits provided by law have been applied. Where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability shall not be refundable but may be carried forward to any of the taxpayer's four subsequent taxable years.

4. The department of elementary and secondary education shall establish, by rule, guidelines and criteria for approval of sponsorship and mentoring programs established by school districts and for determining the eligibility of students for participation in sponsorship and mentoring programs established pursuant to this section. Such determinations for eligibility of students shall be based upon a definition of an at-risk student as established by the department by rule.

5. A local school board may establish a sponsorship and mentoring program and apply to the department of elementary and secondary education for approval of such program. A tax credit may only be received pursuant to this section for expenditures for sponsorship and mentoring programs approved by the department. The school board of each district which has an approved program shall annually certify to the department of elementary and secondary education the number of eligible students participating in the program. The principal of any school in a district which has an approved program may recommend, to the local school board, those students who do not meet the definition of “at-risk” students established pursuant to this section, and the school board may submit the names of such students and the circumstances which justify the student's participation

in an approved program to the department of elementary and secondary education for approval of such student's participation. If approved by the department, such students shall be considered eligible students for participation in an approved program.

6. The department of elementary and secondary education shall provide written notification to the department of revenue of each eligible student participating in an approved program pursuant to this section, the student's school district, the name of the qualified taxpayer approved to receive a tax credit on the basis of such eligible student's participation in an approved program pursuant to this section and the amount of such credit as determined in subsection 2 of this section. This section is subject to appropriations.]

[260.285. 1. Any manufacturer engaged in this state in production of a meat or poultry food product intended for human consumption that is recycling flexible cellulose casing manufactured from cotton linters used and consumed directly in the production of such food product shall be eligible for a credit as defined in subsection 2 of this section. For purposes of this section, "cotton linters" means fibers from any plant or wood pulp material used for the creation of flexible cellulose casings.

2. The credit authorized in subsection 1 shall be equal to the amount of state sales or use taxes paid by a manufacturer to a retailer on such packaging material which is subsequently recycled by either the manufacturer or other person or entity to which the manufacturer conveys such packaging materials, less any consideration received by the manufacturer for such conveyance.

3. A manufacturer shall claim the refund in the month following the month in which the material has been recycled or conveyed for recycling. When claiming a credit pursuant to this section, a manufacturer shall provide a detailed accounting of the amount of packaging material recycled, amount of sales or use tax paid on such material, an affidavit attesting that the manufacturer is eligible pursuant to the provisions of this section for the credit being claimed, documentation that the activity constitutes recycling as certified by the director of the department of natural resources and any other documentation determined necessary by the director of the department of revenue. The director shall refund any valid credit claims within sixty days of receipt. If the director determines that a fraudulent claim for the credit has been filed, the director may assess a penalty in an amount not to exceed twice the amount of fraudulent credits claimed.

4. Payment of credits authorized by this section shall not alter the liability of a retailer regarding sales tax on such material. Credits authorized by this section shall be paid from funds appropriated for the refund of taxes.]; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR
HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1209, Section 32.400, Page 3, Line 9, by inserting after all of said section, the following:

"52.240. 1. The statement and receipt required by section 52.230 shall be mailed to the address of the taxpayer as shown by the county assessor on the current tax books, and postage for the mailing of the statements and receipts shall be furnished by the county commission. The failure of the taxpayer to receive the notice provided for in section 52.230 in no case relieves the taxpayer of any tax liability **and penalties**

and interest imposed [on him] by law. No penalty or interest imposed under any law shall be charged on any real property tax when there is clear and convincing evidence that the county made an error or omission in determining taxes owed by a taxpayer.

2. The county collector shall refund penalties, interest, and taxes if the county made an error or omission. If a taxpayer believes that an error or omission has occurred and discovers the error or omission after December thirty-first, and the taxpayer has not paid current year taxes owing, the taxpayer shall pay the taxes with any penalties or interest owing. The taxpayer may then submit a written request for a refund of penalties, interest, or taxes to the county commission. If the county commission approves the refund, then such penalties, interest, or taxes shall be refunded as provided in subsection 5 of section 139.031, RSMo.

52.290. 1. In all counties except counties having a charter form of government and any city not within a county, the collector shall collect on behalf of the county a fee for the collection of delinquent and back taxes of seven percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax. Two-sevenths of the fees collected pursuant to the provisions of this section shall be paid into the county general fund, two-sevenths of the fees collected pursuant to the provisions of this section shall be paid into the tax maintenance fund of the county as required by section 52.312 and three-sevenths of the fees collected pursuant to the provisions of this section shall be paid into the county employees' retirement fund created by sections 50.1000 to 50.1200, RSMo. **In any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, four-sevenths of the fees collected pursuant to the provisions of this section shall be paid into the county general fund and three-sevenths of the fees collected pursuant to the provisions of this section shall be paid into the county employees' retirement fund created by sections 50.1000 to 50.1200, RSMo.**

2. In all counties having a charter form of government and any city not within a county, the collector shall collect on behalf of the county and pay into the county general fund a fee for the collection of delinquent and back taxes of two percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax except that in a county with a charter form of government and with more than two hundred fifty thousand but less than seven hundred thousand inhabitants, the collector shall collect on behalf of the county a fee for the collection of delinquent and back taxes of three percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax. If a county is required by section 52.312 to establish a tax maintenance fund, one-third of the fees collected under this subsection shall be paid into that fund; otherwise, all fees collected under the provisions of this subsection shall be paid into the county general fund.

3. Such county collector may accept credit cards as proper form of payment of outstanding delinquent and back taxes due. No county collector [may] **shall** charge a surcharge for payment by credit card.”; and

Further amend said bill, Section 67.175, Page 5, Line 64, by inserting after all of said section, the following:

“67.548. 1. In any first or second class county not having a charter form of government, which contains all or any part of a city with a population of greater than four hundred thousand inhabitants, in which the voters have approved a sales tax as provided by section 67.547, the county commission may:

(1) Reduce or eliminate the county general fund levy, the special road and bridge levy, or the park levy; and

(2) Grant county sales tax revenues to cities, towns and villages and to special road districts organized pursuant to chapter 233, RSMo.

2. [If the county commission reduces a special road and bridge tax levy pursuant to this section which results in a reduction of revenue available to a city, town or village or to a special road district organized pursuant to chapter 233, RSMo, the commission shall in that year in which the reduction of revenue occurs set aside and place to the credit of each such entity sales tax revenues in an amount at least equal to that which each such entity would have otherwise been entitled from the special road and bridge tax levy, had it not been for such reduction. In subsequent years, each such entity shall receive from the county an amount of sales tax revenue equal to the amount of special road and bridge tax revenue that each such entity would have received in that year, but for the reduction in the special road and bridge tax. The county shall transfer such sales tax revenue to each such entity in twelve equal monthly installments during each year in which such entity is entitled to receive such sales tax revenue] **Nothing herein shall restrict or eliminate the county's obligation to allocate revenue from the special road and bridge levy, as annually considered by the county commission, to the cities, towns, and villages and to special road districts organized under chapter 233, RSMo. Additionally, in the event the county utilizes sales tax revenues received under section 67.547 for the county's road and bridge program, the county shall be obligated to pay the same allocation percentage of such revenue to the cities, towns, and villages and to special road districts as if such revenue had been received pursuant to the special road and bridge levy and shall be paid in twelve equal monthly installments during the year in which such entity is entitled to receive the revenue. Nothing herein shall be deemed to eliminate or restrict the county's discretion in setting the special road and bridge levy or the amount of sales tax revenue to be used for the county's road and bridge program.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1209, Page 8, Section 67.1360, Line 127, by inserting after all of said line the following:

"86.200. The following words and phrases as used in sections 86.200 to 86.366, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Accumulated contributions", the sum of all mandatory contributions deducted from the compensation of a member and credited to the member's individual account, together with members' interest thereon;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of mortality tables and interest assumptions adopted by the board of trustees;

(3) "Average final compensation":

(a) With respect to a member who earns no creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last three years of creditable service as a police officer, or if the member has had less than three years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(b) With respect to a member who is not participating in the DROP pursuant to section 86.251 on

October 1, 2001, who did not participate in the DROP at any time before such date, and who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a policeman, or if the member has had less than two years of creditable service, then the average earnable compensation of the member's entire period of creditable service;

(c) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer for reasons other than death or disability before earning at least two years of creditable service after such return, the portion of the member's benefit attributable to creditable service earned before DROP entry shall be determined using average final compensation as defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable to creditable service earned after return to active participation in the system shall be determined using average final compensation as defined in paragraph (b) of this subdivision;

(d) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in the DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer after earning at least two years of creditable service after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision;

(e) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and whose employment as a police officer terminates due to death or disability after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision; and

(f) With respect to the surviving spouse or surviving dependent child of a member who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a police officer or, if the member has had less than two years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

(5) "Board of police commissioners", any board of police commissioners, police commissioners and any other officials or boards now or hereafter authorized by law to employ and manage a permanent police force in such cities;

(6) "Board of trustees", the board provided in sections 86.200 to 86.366 to administer the retirement system;

(7) "Creditable service", prior service plus membership service as provided in sections 86.200 to 86.366;

(8) "**Dependent**", **an individual or individuals receiving at least one-half of their support from the member at his or her death;**

(9) “DROP”, the deferred retirement option plan provided for in section 86.251;

[(9)] (10) “Earnable compensation”, the annual salary which a member would earn during one year on the basis of the member's rank or position as specified in the applicable salary matrix in section 84.160, RSMo, plus additional compensation for academic work as provided in subsection 8 of section 84.160, RSMo, plus shift differential as provided in subdivision (4) of subsection 9 of section 84.160, RSMo. Such amount shall include the member's deferrals to a deferred compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to a transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code. Earnable compensation shall not include a member's additional compensation for overtime, standby time, court time, nonuniform time or unused vacation time. Notwithstanding the foregoing, the earnable compensation taken into account under the plan established pursuant to sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the amount of compensation that may be taken into account under Section 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes of this subdivision, a “noneligible participant” is an individual who first becomes a member on or after the first day of the first plan year beginning after the earlier of:

(a) The last day of the plan year that includes August 28, 1995; or

(b) December 31, 1995;

[(10)] (11) “Internal Revenue Code”, the federal Internal Revenue Code of 1986, as amended;

[(11)] (12) “Mandatory contributions”, the contributions required to be deducted from the salary of each member who is not participating in DROP in accordance with section 86.320;

[(12)] (13) “Medical board”, the board of physicians provided for in section 86.237;

[(13)] (14) “Member”, a member of the retirement system as defined by sections 86.200 to 86.366;

[(14)] (15) “Members' interest”, interest on accumulated contributions at such rate as may be set from time to time by the board of trustees;

[(15)] (16) “Membership service”, service as a policeman rendered since last becoming a member, except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman, in which case “membership service” means service as a policeman rendered since last becoming a member prior to entering such armed service;

(17) “Partial dependent”, an individual or individuals who receive less than fifty percent of their support from the member at his or her death;

[(16)] (18) “Plan year” or “limitation year”, the twelve consecutive-month period beginning each October first and ending each September thirtieth;

[(17)] (19) “Policeman” or “police officer”, any member of the police force of such cities who holds a rank in such police force for which the annual salary is listed in section 84.160, RSMo;

[(18)] (20) “Prior service”, all service as a policeman rendered prior to the date the system becomes operative or prior to membership service which is creditable in accordance with the provisions of sections 86.200 to 86.366;

[(19)] (21) "Retirement allowance", annual payments for life as provided by sections 86.200 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon termination of employment as a police officer and actual retirement;

[(20)] (22) "Retirement system", the police retirement system of the cities as defined in sections 86.200 to 86.366;

[(21)] (23) "Surviving spouse", the surviving spouse of a member who was the member's spouse at the time of the member's death.

86.287. Upon the receipt by the board of trustees of evidence and proof that the death of a member was the natural and proximate result of an accident occurring at some definite time and place while the member was in the actual performance of duty and not caused by negligence on the part of the member, there shall be paid in lieu of the benefits pursuant to sections 86.280 to 86.283:

(1) Effective October 1, 1999, a pension to the surviving spouse until the surviving spouse dies or remarries, whichever is earlier, of seventy-five percent of the deceased member's average final compensation plus fifteen percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who, regardless of age, is totally and permanently disabled and incapacitated from engaging in a gainful occupation sufficient to support himself or herself;

(2) Any surviving spouse or unmarried dependent child receiving benefits pursuant to this section immediately prior to October 1, 1999, shall upon application to the board of trustees be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the surviving spouse or unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, a surviving spouse shall receive additional monthly compensation equal to the amount which when added to the benefits the surviving spouse was receiving pursuant to this section prior to October 1, 1999, will increase the surviving spouse's total monthly benefit payment pursuant to this section to seventy-five percent of the deceased member's average final compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member;

(3) If no surviving spouse benefits are payable pursuant to subdivisions (1) and (2) of this section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of this section had there been a surviving spouse shall be divided among the unmarried dependent children under age eighteen and such unmarried dependent children, regardless of age, who are totally and permanently disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided equally among the eligible dependent children, and the share of a child who is no longer eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the surviving spouse's benefit shall be paid for one child;

(4) If there is no surviving spouse or unmarried dependent children of either class mentioned in subdivision (3) of this section, then an amount equal to the surviving spouse's benefit shall be paid to the member's dependent father or dependent mother to continue until remarriage or death; **however, the board of trustees shall review the application for benefits and determine on the basis of the information presented whether the applicant or applicants are dependent or partially dependent and, if partially**

dependent, the benefit shall be paid based upon the proportionate share of support, considering all other sources, actually provided by the member to such applicant;

(5) No benefits pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

(6) Wherever any dependent child designated by the board of trustees to receive benefits pursuant to this section is in the care of the surviving spouse of the deceased member, such benefits may be paid to such surviving spouse for the child;

(7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years in those cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1209, Page 26, Section 144.030, Line 270, by deleting all of said line and inserting in lieu thereof the following:

“(39) All purchases by a sports complex authority created under section 64.920, RSMo;

(40) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1209, Page 29, Section 190.451, Line 22, by inserting after all of said line the following:

“233.155. 1. Whenever the inhabitants of any special road district already formed under sections 233.010 to 233.165 shall desire to extend the boundaries of such district to take in territory not included in the original district, and shall present a petition to the county commission of the county in which such district is located, or if the proposed district is to include portions of more than one county, then to the county commissions of each of such counties, signed by not less than thirty-five voters in the old district and not less than fifty percent of the voters in the territory proposed to be taken into said district, asking the county commission or commissions of such county or counties to submit the proposition of the proposed extension of such road district to a vote of the people of such proposed district for their adoption or rejection, the county commission of such county, or if the proposed district shall include parts of more than one county, the county commissions of all such counties, shall each make an order of record that the proposed extension of said road district under the provisions of this section, describing the same by its title and the date of its approval, and describing the boundaries of the district as proposed to be extended, be submitted to the voters of such proposed road district.

2. The question shall be submitted in substantially the following form:

Shall the special road district be extended?

3. If the territory of more than one county be included in said special road district, the county commission of each county in said district shall, as soon as the returns are in from said election, cause a certificate to be made out stating the number of votes cast for and against said proposition in said county, and cause such certificate to be filed with the county clerk of the county commission of every other county which shall form a part of said special road district. If it shall appear from the returns of said county and from said certificate that a majority of the votes cast upon the proposition in the whole proposed district be in favor of the extension of said road district, the county commission or county commissions in said proposed district shall declare the result of the vote thereon in said proposed district by an order of record, and shall make an order of record that the above specified road district laws shall extend to and be the law in such special road district, including the extension thereof, setting out the boundaries of said district as extended, the same to take effect and be in force from and after a day to be named in such order, said day to be not more than twenty days after said election.

4. If any territory added to any such original district be in any county outside of the county of such original district, each county outside of such original district may appoint one road commissioner to act with the commissioners appointed in the county of the original district. Such commissioners so appointed outside of the county of the original district shall serve for a term of three years from the date of such appointment, and until their successors shall be appointed and qualified. Such commissioners shall be voters of such added territory in such county of their appointment. Except as herein provided, such commissioners shall be governed by sections 233.010 to 233.165. No change shall be made in the number of commissioners appointed by the county of the original district or in the manner of their appointment. **In any special road district located in two counties with an additional fourth commissioner appointed by the county outside of the original district as provided in this subsection, a fifth commissioner may be appointed by the same county that appointed the fourth commissioner. Except as herein provided, a fifth commissioner shall be governed by sections 233.010 to 233.165, shall serve for a term of three years from the date of the appointment and until the fifth commissioner's successor shall be appointed and qualified, and shall be a voter of the county of appointment.**

5. If a majority of the votes of the proposed district, as extended, be cast in favor of such extension, then the territory of such district, as extended, shall be governed by sections 233.010 to 233.165. But if such extension proposition shall not receive a majority of the votes of said district, as extended, then said special road district shall remain as it was before said petition was filed. Any special road district extended under the provisions of this section may be extended so that after such extension it shall not be more than seventeen miles square.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1209, Section 94.271, Page 9, Lines 10-11, by deleting the words, “**and funding the construction, maintenance, and operation of capital improvements**”; and

Further amend said bill, section, page, Lines 17-18, by deleting the words, “**and funding the**

construction, maintenance, and operation of capital improvements”; and

Further amend said bill, Section 155.010, Page 28, Line13, by inserting the following after all of said line:

“190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as “emergency services”, and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) impose a county sales tax of (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the governing body shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given

year shall be carried forward to subsequent years. The governing body shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the governing body shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years.

11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants, any emergency telephone service 911 board appointed by the county under section 190.309 which is in existence on the date the voters approve a sales tax under this section shall continue to exist and shall have the powers set forth under section 190.339.

12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the second classification with more than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred inhabitants that has approved a sales tax under this section, the county commission shall appoint the members of the board to administer the funds and oversee the provision of emergency services in the county.

(2) The board shall consist of seven members appointed without regard to political affiliation. Each member shall be one of the following:

- (a) The head of any of the county's fire protection districts, or a designee;**
- (b) The head of any of the county's ambulance districts, or a designee;**
- (c) The county sheriff, or a designee;**
- (d) The head of any of the police departments in the county, or a designee; and**
- (e) The head of any of the county's emergency management organizations, or a designee.**

(3) Upon the appointment of the board under this subsection, the board shall have the power

provided in section 190.339 and shall exercise all powers and duties exercised by the county commission under this chapter, and the commission shall relinquish all powers and duties relating to the provision of emergency services under this chapter to the board.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1209, Page 35, Section 246.305, Line 54, by inserting after all of said line the following:

“253.550. **1.** Any person, firm, partnership, trust, estate, or corporation incurring costs and expenses for the rehabilitation of eligible property, which is a certified historic structure or structure in a certified historic district, shall be entitled to a credit against the taxes imposed pursuant to chapters 143 and 148, RSMo, except for sections 143.191 to 143.265, RSMo, on that person or entity in an amount equal to twenty-five percent of the total costs and expenses of rehabilitation incurred after January 1, 1998, which shall include, but not be limited to, qualified rehabilitation expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related regulations thereunder, provided the rehabilitation costs associated with rehabilitation and the expenses exceed fifty percent of the total basis in the property and the rehabilitation meets standards consistent with the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources.

2. For purposes of sections 253.545 to 253.559, any municipal library district and any nonprofit entity to which the municipal library district has transferred a structure shall be deemed a corporation and a for-profit entity, if the nonprofit entity immediately enters into a lease or other agreement that gives the municipal library district the right to use, control, and possess the structure and the structure being rehabilitated was first placed into service before the year 1936. In determining the rehabilitation expenditures for which credits are permitted, Sections 47(c)(2)(B)(v) and 168 of the Internal Revenue Code of 1986, as amended, shall be disregarded.”; and

Further amend said bill, Page 37, Section B, Lines 1 to 7, by deleting all of said lines and inserting in lieu thereof the following:

“Section B. Because immediate action is necessary to protect the economic welfare of the citizens of this state, the repeal and reenactment of section 253.550 and the enactment of section 144.067 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 253.550 and the enactment of section 144.067 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1209, Section 32.400, Page 3, Line 9 by inserting after all of said line the following:

“52.290. **1.** In all counties except counties having a charter form of government and any city not within

a county, the collector shall collect on behalf of the county a fee for the collection of delinquent and back taxes of seven percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax. Two-sevenths of the fees collected pursuant to the provisions of this section shall be paid into the county general fund, two-sevenths of the fees collected pursuant to the provisions of this section shall be paid into the tax maintenance fund of the county as required by section 52.312, **RSMo** and three-sevenths of the fees collected pursuant to the provisions of this section shall be paid into the county employees' retirement fund created by sections 50.1000 to 50.1200, **RSMo**. **In all first class counties not having a charter form of government, three percent of the fees collected by the public administrator shall be paid into a guardian maintenance fund and three percent of the fees paid into funds controlled by elected officials shall be paid into an audit maintenance fund. The guardian maintenance fund shall be administered at the sole discretion of the public administrator and the audit maintenance fund shall be administered at the sole discretion of the county auditor and each fund shall be subject to the same restrictions and conditions as the tax maintenance fund in the same manner as section 52.315, RSMo. The Guardian Maintenance Fund may be used by the public administrator for training, purchasing new or upgrading information technology, salary supplements for existing employees, equipment or other essential administrative expenses necessary to carry out the duties and responsibilities of the office of public administrator and anything necessarily pertaining thereto. The Audit Maintenance Fund may also be used by the auditor for training, purchasing new or upgrading information technology, salary supplements for existing employees, equipment or other essential administrative expenses necessary to carry out the duties and responsibilities of the office of auditor and anything necessarily pertaining thereto.**

2. In all counties having a charter form of government and any city not within a county, the collector shall collect on behalf of the county and pay into the county general fund a fee for the collection of delinquent and back taxes of two percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax except that in a county with a charter form of government and with more than two hundred fifty thousand but less than seven hundred thousand inhabitants, the collector shall collect on behalf of the county a fee for the collection of delinquent and back taxes of three percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax. If a county is required by section 52.312 to establish a tax maintenance fund, one-third of the fees collected under this subsection shall be paid into that fund; otherwise, all fees collected under the provisions of this subsection shall be paid into the county general fund.

3. Such county collector may accept credit cards as proper form of payment of outstanding delinquent and back taxes due. No county collector [may] **shall** charge a surcharge for payment by credit card.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1209, Page 35, Section 321.227, Lines 1 to 73, by deleting all of said lines; and

Further amend said title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SBs 1181, 1100, 1262 and 1263**, entitled:

An Act to repeal sections 8.800, 8.810, 8.812, 8.815, 8.837, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 64.170, 143.121, 393.275, 407.300, 537.340, 660.115, and 660.135, RSMo, and to enact in lieu thereof thirty-six new sections relating to energy regulation, with penalty provisions and an emergency clause for a certain section.

With House Amendment Nos. 1, 2, 3, 4, 5 and 6.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1181, 1100, 1262 & 1263, Pages 21 and 22, Section 393.108, Lines 1 to 17, by deleting all of said lines and inserting in lieu thereof the following:

“393.108. For purposes of this section, the hot weather rule shall mean the period of time from June first to September thirtieth, in which the discontinuance of gas and electric service to all residential users, including all residential tenants of apartment buildings, for nonpayment of bills where gas or electricity is used as the source of cooling or to operate the only cooling equipment at the residence, is prohibited in the following situations:

(1) On any day when the National Weather Service local forecast between 6:00 a.m. and 9:00 p.m. for the following twenty-four hours predicts that the temperature shall rise above ninety-five degrees Fahrenheit or that the heat index shall rise above one hundred five degrees Fahrenheit;

(2) On any day when utility personnel are not available to reconnect utility service during the immediately succeeding day or days and the National Weather Service local forecast between 6:00 a.m. and 9:00 p.m. predicts that the temperature during the period of unavailability shall rise above ninety-five degrees Fahrenheit or that the heat index shall rise above one hundred five degrees Fahrenheit; and

(3) In any other applicable situations provided for in rules established and amended by the public service commission.”; and

Further amend said bill, Page 22, Section 393.171, Lines 1 to 16, by deleting all of said lines and inserting in lieu thereof the following:

“393.171. 1. The commission shall have the authority to grant the permission and approval specified in section 393.170, after the construction or acquisition of any electric plant located in a first class county without a charter form of government has been completed if the commission determines that the grant of such permission and approval is necessary or convenient for the public service. Any such permission and approval shall, for all purposes, have the same effect as the permission and approval granted prior to such construction or acquisition. This subsection is enacted to clarify and specify the law in existence at all times since the original enactment of section 393.170.

2. No permission or approval granted for an electric plant by the commission under subsection 1 of this section, nor any special use permit issued for any such electric plant by the governing body of the county in which the electric plant is located, shall extinguish, render moot, or mitigate any suit or claim pending or otherwise allowable by law by any landowner or other legal entity for monetary damages allegedly caused by the operation or existence of such electric plant. Expenses incurred by

an electrical corporation in association with the payment of any such damages shall not be recoverable, in any form at any time, from the rate payers of any such electrical corporation.

3. The commission's authority under subsection 1 of this section shall expire on August 28, 2009.”;
and

Further amend said bill, Pages 22 and 23, Section 393.275, Lines 1 to 40, by deleting all of said lines and inserting in lieu thereof the following:

“393.275. 1. The commission shall notify the governing body of each city or county imposing a business license tax pursuant to section 66.300, 92.045, 94.110, 94.270 or 94.360, RSMo, or a similar tax adopted pursuant to charter provisions in any constitutional charter city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county, on gross receipts of any gas corporation, electric corporation, water corporation or sewer corporation of any tariff increases authorized for such firm doing business in that city or county if the approved increase exceeds seven percent. The commission shall include with such notice to any city or county the percentage increase approved for the utility, together with an estimate of the annual increase in gross receipts resulting from the tariff increase on customers residing in that city or county. The provisions of this subsection shall not apply to rate adjustments in the purchase price of natural gas which are approved by the commission.

2. The governing body of each city or county notified of a tariff increase as provided in subsection 1 of this section shall reduce the tax rate of its business license tax on the gross receipts of utility corporations. Within sixty days of the effective date of the tariff increase, the tax rate shall be reduced to the extent necessary so that revenue for the ensuing twelve months will be approximately equal to the revenue received during the preceding twelve months plus a growth factor. The growth factor shall be equal to the average of the additional revenue received in each of the preceding three years. However, a city or county may maintain the tax rate of its business license tax on the gross receipts of utility corporations without reduction if an ordinance to maintain the tax rate is enacted by the governing body of the city or an order to maintain the tax rate is issued by the governing body of the county after September 28, 1985. The provisions of this subsection shall not apply to rate adjustments in the purchase price of natural gas which are approved by the commission **and such purchased gas adjustment rates shall include the gas cost portion of net write-offs incurred by the gas corporation in providing service to system sales customers upon the filing and approval of new rate schedules applicable to such customers. Such rate schedules shall be designed to simultaneously decrease the gas corporation's base rates and increase its purchased gas adjustment rates by like amounts so as to reasonably ensure that the gas cost portion of the net write-offs applicable to such customers, as such portion is determined by the commission, is only being recovered once through the gas corporation's purchased gas adjustment rates. Increases and decreases in the gas cost portion of net write-offs shall thereafter be reflected in the gas corporation's purchased gas adjustment rates pursuant to tariff provisions approved by the commission provided, however, that such tariff provisions shall:**

(1) Limit increases or decreases in the gas cost portion of net write-offs as reflected in purchased gas adjustment rates to once each year;

(2) Require a true-up of the gas cost portion of net write-offs as reflected in purchased gas adjustment rates once each year; and

(3) Require commission review of the gas cost portion of net write-offs as reflected in purchased gas adjustment rates once each year to insure that the gas corporation is prudently pursuing

collection of amounts owed by its customers.

Based on its annual reviews of such collection efforts, the commission shall prepare and submit a report to the general assembly by December 1, 2011, comparing and describing any changes made or experienced in the collection practices, level of utility resources devoted to collection activities, amount and percentage of net write-offs incurred, and regulations affecting collection activities for the period beginning July 1, 2007, and ending July 1, 2011.”; and

Further amend said bill, Pages 24 and 25, Section 407.300, Lines 1 to 36, by deleting all of said lines and inserting in lieu thereof the following:

“407.300. 1. Every **purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property shall keep a register [which shall contain the name and address of the person from whom] containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any:**

(1) Copper, brass, or bronze;

(2) Aluminum wire [or is purchased,], cable, pipe, tubing, bar, ingot, rod, fitting, or fastener; or

(3) Material containing copper or aluminum that is knowingly used for farming purposes as “farming” is defined in section 350.010, RSMo;

whatever may be the condition or length of such [copper wire or cable] metal. The record shall contain the following data: A copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof to the person from whom the material is obtained, which shall contain a current address of the person from whom the material is obtained; [the residence or place of business and driver's license number of such person;] and the date, time, and place of and a full description of each such purchase or trade including the quantity by weight thereof[; and shall permit any peace officer to inspect the register at any reasonable time].

2. The records required under this section shall be maintained for a minimum of twenty-four months from when such material is obtained and shall be available for inspection by any law enforcement officer.

3. Anyone convicted of violating this section shall be [fined not less than twenty-five dollars nor more than five hundred dollars, or imprisoned for not less than thirty days nor more than six months, or both] guilty of a class A misdemeanor.

4. This section shall not apply to any of the following transactions:

(1) Any transaction for which the total amount paid for all regulated scrap metal purchased or sold does not exceed fifty dollars;

(2) Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or

(3) Any transaction for which the type of metal subject to subsection 1 of this section is a minor

part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.”; and

Further amend said bill, Page 25, Section 407.301, Lines 1 to 9, by deleting all of said lines and inserting in lieu thereof the following:

“407.301. 1. No scrap metal dealer shall knowingly purchase or possess a metal beer keg, whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store, shred, melt, cut, or otherwise alter scrap metal except when the purchase is from the brewer or its authorized representative. For purposes of this section, “keg” shall have the same meaning as in section 311.082, RSMo.

2. Anyone who is found guilty of, or pleads guilty to, violating this section shall be guilty of a class A misdemeanor punishable only by fine. Nothing in this section shall be construed to preclude a person violating this section from also being prosecuted for any applicable criminal offense.”; and

Further amend said bill, Page 25, Section 407.302, Lines 1 to 11, by deleting all of said lines and inserting in lieu thereof the following:

“407.302. 1. No scrap yard shall purchase any metal that can be identified as belonging to a public or private cemetery or to a political subdivision or electrical cooperative, municipal utility, or a utility regulated under chapter 386 or 393, RSMo, including bleachers, guardrails, signs, street and traffic lights or signals, and manhole cover or covers, whether broken or unbroken, from anyone other than the cemetery or monument owner, political subdivision, electrical cooperative or utility, or manufacturer of the metal or item described in this section unless such person is authorized in writing by the cemetery or monument owner, political subdivision, electrical cooperative or utility, or manufacturer to sell the metal.

2. Anyone convicted of violating this section shall be guilty of a class B misdemeanor.”; and

Further amend said bill, Page 26, Section 407.303, Lines 1 to 8, by deleting all of said lines and inserting in lieu thereof the following:

“407.303. 1. Any scrap metal dealer paying out an amount that is five hundred dollars or more shall make such payment in the form of a check or shall pay by any method in which a financial institution makes and retains a record of the transaction.

2. This section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.”; and

Further amend said bill, Pages 26 to 28, Section 537.340, Lines 1 to 68, by deleting all of said lines; and

Further amend said bill, Page 28, Section 570.055, Lines 1 to 5, by deleting all of said lines and inserting in lieu thereof the following:

“570.055. Any person who steals or appropriates, without consent of the owner, any wire, electrical transformer, metallic wire associated with transmitting telecommunications, or any other device or pipe that is associated with conducting electricity or transporting natural gas or other

combustible fuels shall be guilty of a class C felony.”; and

Further amend said bill, Page 28, Section 570.056, Lines 1 to 4, by deleting all of said lines and inserting in lieu thereof the following:

“570.056. Any person who steals or appropriates, without consent of the owner, any property located on the premises of electrical cooperatives or municipal utilities or utilities regulated under chapter 386, RSMo, shall be guilty of a class D felony.”; and

Further amend said bill, Page 31, Lines 1 to 14, by deleting all of said lines and inserting in lieu thereof the following:

“660.115. 1. For each eligible household, an amount not exceeding [six] **eight** hundred dollars for each fiscal year may be paid from the utilicare stabilization fund to the primary or secondary heating source supplier, or both, including suppliers of heating fuels, such as gas, electricity, wood, coal, propane and heating oil. For each eligible household, an amount not exceeding [six] **eight** hundred dollars for each fiscal year may be paid from the utilicare stabilization fund to the primary or secondary cooling source supplier, or both; provided that the respective shares of overall funding previously received by primary and secondary heating and cooling source suppliers on behalf of their customers shall be substantially maintained.

2. For an eligible household, other than a household located in publicly owned or subsidized housing, an adult boarding facility, an intermediate care facility, a residential care facility or a skilled nursing facility, whose members rent their dwelling and do not pay a supplier directly for the household's primary or secondary heating or cooling source, utilicare payments shall be paid directly to the head of the household, except that total payments shall not exceed eight percent of the household's annual rent or one hundred dollars, whichever is less.”; and

Further amend said bill, Pages 31 and 32, Section 660.135, Lines 1 to 13, by deleting all of said lines and inserting in lieu thereof the following:

“660.135. 1. Not more than five million dollars from state general revenue shall be appropriated by the general assembly to the utilicare stabilization fund established pursuant to section 660.136 for the support of the utilicare program established by sections 660.100 to 660.136 for any fiscal year, except in succeeding years the amount of state funds may be increased by a percentage which reflects the national cost-of-living index or seven percent, whichever is lower.

2. The department of social services [may] **shall**, in coordination with the department of natural resources, apply a portion of the funds appropriated annually by the general assembly to the utilicare stabilization fund established pursuant to section 660.136 to the low income weatherization assistance program of the department of natural resources; provided that any project financed with such funds shall be consistent with federal guidelines for the Weatherization Assistance Program for Low-Income Persons as authorized by 42 U.S.C. 6861.”; and

Further amend said bill, Page 32, Section 660.135, Line 13, by inserting after all of said line the following:

“Section 1. For any electric generation plant unlawfully constructed after August 28, 2008, in any suit or claim brought by any landowner or other legal entity for monetary damages allegedly caused by the operation or existence of such electric plant, the measure of damages shall be treble the actual damages to the plaintiff's real estate proved as determined by a judge or jury, plus court costs and

reasonable attorney fees.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1181, 1100, 1262 & 1263, Section 393.275, Page 23, Line 40 by inserting after all of said Section and Line the following:

“Section 393.1045. Any renewable mandate required by law shall not raise the retail rates charged to the customers of electric retail suppliers by an average of more than one percent in any year, and all the costs associated with any such renewable mandate shall be recoverable in the retail rates charged by the electric supplier. Solar rebates shall not exceed twenty-five percent of the cost of the solar panels and are included in the one percent rate cap provided for in this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1181, 1100, 1262, & 1263, Section 64.170 by inserting after all of said Section the following:

“135.670. 1. As used in this section, the following terms mean:

(1) “Class 8 truck”, a heavy duty vehicle, as defined in 42 U.S.C. Section 16104, as amended, that has a gross vehicle weight in excess of thirty three thousand pounds;

(2) “Department”, the department of revenue;

(3) “Idle reduction technology”, shall have the same meaning ascribed in 42 U.S.C. Section 16104, as amended;

(4) “State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, and 153, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;

(5) “Taxpayer”, a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. For all tax years beginning on or after January 1, 2008, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the amount such taxpayer paid to purchase and install idle reduction technology on a class 8 truck after January 1, 2008. In no case shall the tax credit exceed thirty five hundred dollars per truck.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax

liability for the taxable year for which the credit is claimed. However, any tax credit that cannot be claimed in the taxable year the purchase and installation was made may be carried over to the next three succeeding taxable years until the full credit has been claimed. The tax credit allowed under this section shall be nontransferable.

4. The cumulative amount of tax credits which may be issued under this section in any one fiscal year shall not exceed ten million dollars, and the total amount of tax credits which may be issued under this section shall not exceed twenty million dollars. If the amount of tax credits claimed under this section exceeds ten million dollars in any one fiscal year, the director of the department of revenue shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all taxpayers allowed a tax credit under this section. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

5. Not less than one hundred and twenty days from the effective date of this act, the department shall promulgate rules necessary for the implementation of the provisions of this act. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

6. The provisions of this section shall automatically sunset two years after August 28, 2008, unless reauthorized.”; and

Further amend said Bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1181, 1100, 1262, and 1263, Section 394.320, Page 23, Lines 1 to 17 by striking all of said section from bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1181, 1100, 1262 & 1263, Page 15, Section 64.170, Line 34, by inserting after all of said line the following:

“135.032. 1. This section shall be known and may be cited as the “Green Building Tax Credit”.

2. As used in this section, the following terms mean:

(1) “Applicant”, a taxpayer who is either the owner or builder or contract purchaser of a building, and is applying for a green building tax credit for such building;

(2) “Base building”, all areas of a building not intended for occupancy by a tenant or owner, including, but not limited to, the structural components of the building, exterior walls, floors, windows, roofs, foundations, chimneys and stacks, parking areas, mechanical rooms and mechanical systems, and owner-controlled and/or operated service spaces, sidewalks, main lobby, shafts and vertical transportation mechanisms, stairways, and corridors;

(3) “Commissioning”, the process of verifying and ensuring that the entire building and the systems within are designed, constructed, functionally tested, and calibrated to operate as intended;

(4) “Credit allowance year”, the year as stated on the preliminary credit certificate by the director;

(5) “Department”, the department of natural resources;

(6) “Director”, the director of the department of natural resources;

(7) “Economic development area”, an economic development area as defined under section 99.805, RSMo;

(8) “Eligible building”, a building located within the state, which is:

(a) A residential multi-family building;

(b) A residential, single-family, detached dwelling;

(c) A building used for commercial or industrial purposes; or

(d) Any combination of buildings described in paragraphs (a) to (d) of this subdivision;

(9) “Energy and Atmosphere Credit Number One”, the credit awarded by the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, which requires increased energy performance above the standard as defined in the most current version of the LEED-NC or LEED-EB Rating System;

(10) “Energy and Atmosphere Credit Number Three”, the credit awarded by the LEED Green Building Rating System, which requires additional commissioning above the fundamental commissioning prerequisite as defined in the most current version of the LEED-NC or LEED-EB Rating System;

(11) “Gold rating”, the rating in compliance with, or exceeding, the second highest rating awarded by the USGBC LEED certification process;

(12) “Green base building”, a base building that meets all requirements in the most current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design Rating System for Core and Shell or that meets the most current requirements for at least a three globes rating under Green Globes;

(13) “Green building” or “high-performance building”, a building that is designed to achieve integrated systems design and construction so as to significantly reduce or eliminate the negative impact of the built environment on the following:

(a) Site conservation and sustainable planning;

- (b) Water conservation and efficiency;**
- (c) Energy efficiency and renewable energy;**
- (d) Conservation of materials and resources; and**
- (e) Indoor environmental quality and human health;**

(14) “Green Globes”, an environmental assessment and rating tool for green buildings developed by the Green Building Initiative;

(15) “Green tenant space”, a tenant space as defined under subdivision (24) of this section that meets all requirements in the most current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design Rating System for Commercial Interiors or that meets the most current requirements for at least a three globes rating under Green Globes;

(16) “Green whole building”, a whole building that meets all requirements in the most current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design Rating System for New Building Construction and Major Renovations LEED-NC, as amended from time to time, or that meets all requirements in the most current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design Rating System for Existing Buildings, or that meets the most current requirements for at least a three globes rating under Green Globes;

(17) “LEED-CI” or “LEED Green Building Rating System Version LEED-CI”, the most current Leadership in Energy and Environmental Design Green Building Rating System guidelines developed and the United States Green Building Council for commercial interiors;

(18) “LEED-CS” or “LEED Green Building Rating System Version LEED-CS”, the most current Leadership in Energy and Environmental Design Green Building Rating System guidelines developed and adopted by the United States Green Building Council for the core and shell of buildings otherwise known as the base building;

(19) “LEED-EB” or “LEED Green Building Rating System Version LEED-EB”, the most current Leadership in Energy and Environmental Design Green Building Rating System guidelines developed and adopted by the United States Green Building Council for existing buildings;

(20) “LEED-NC” or “LEED Green Building Rating System Version LEED-NC”, the most current Leadership in Energy and Environmental Design Green Building Rating System developed and adopted by the United States Green Building Council for new buildings and major renovations;

(21) “Platinum rating”, the rating in compliance with, or exceeding, the highest rating awarded by the USGBC LEED certification process;

(22) “Silver rating”, the rating in compliance with, or exceeding, the third highest rating awarded by the USGBC LEED certification process;

(23) “State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;

(24) “Tenant space”, the portion of a building intended for occupancy by a tenant or occupying

owner;

(25) “United States Green Building Council” or “USGBC”, the specific council which measures and evaluates the energy and environmental performance of a building according to its own Leadership in Energy and Environmental Design Rating system;

(26) “Whole building”, the entire building, as comprised of the base building and tenant space.

3. (1) The green building tax credit shall be available to an applicant for:

(a) Either the construction of a green building or the rehabilitation of a building, which is not a green building, into a green building;

(b) The construction or rehabilitation of a base building which is not a green base building, into a green base building; or

(c) The construction or rehabilitation of a tenant space which is not green tenant space, into green tenant space.

(2) An applicant may apply for a green building tax credit provided that the facility subject to the green building tax credit is located within the state and the applicant will be the owner or contract purchaser of the facility at the time of erection, construction, installation, or acquisition of the proposed facility.

(3) If a credit is allowed to a building owner pursuant to this section with respect to property, and such property or an interest therein is sold, the credit for the period after the sale, which would have been allowable under this section to the prior owner, shall be allowable to the new owner. Credit for the year of sale shall be allocated between the parties on the basis of the number of days during such year that the property or interest was held by each.

(4) In the case of allowance of credit under this section to a successor owner as provided in subdivision (3) of this subsection, the director shall have the authority to reveal to the successor owner any information, with respect to the credit of the prior owner, which is the basis for the denial in whole or in part of the credit claimed by such successor owner.

4. An applicant shall be eligible for a green building tax credit against a state tax liability provided such applicant complies with the requirements of subsection 5 of this section and provided that the building meets the requirements of an eligible building as set forth in subdivision (8) of subsection 2 of this section. The amount of credit shall be determined pursuant to subsection 7 of this section, but the total amount of tax credits issued to a single applicant under this section shall not exceed fifty thousand dollars per tax year.

(1) The credit amount shall be the sum of the following credit components, whichever are applicable:

(a) The green whole-building credit component shall be available to an applicant for either the construction of a green building or the rehabilitation of a building which is not a green whole building into a green whole building. The green whole-building credit component may not be allowed for any taxable year unless all the requirements under subsection 5 of this section are met; and

a. The whole building achieves a Silver, Gold, or Platinum Rating as approved by the LEED-NC Green Building Rating System, as amended from time to time, or the most recent version, for a new

building and for major renovations; or, LEED Green Building Rating System Version LEED-EB, or the most recent version, for an existing building; or

b. The whole building achieves at least a three globes rating under the most current requirements of Green Globes;

(b) The green base building credit component shall be available to an applicant who is the contract owner for either the construction of a green building or the rehabilitation of a building, which is not a green base building, into a green base building. The green base building credit component may not be allowed for any taxable year unless all the requirements under subsection 5 of this section are met; and

a. The base building achieves a Silver, Gold, or Platinum Rating as approved by the LEED-CS Green Building Rating System, or the most recent version thereof; or

b. The base building achieves at least a three globes rating under the most current requirements of Green Globes;

(c) The green tenant space credit component shall be available to an applicant for constructing tenant space or rehabilitating tenant space, which is not green tenant space, into green tenant space. The green tenant space credit component may not be allowed for a taxable year unless all the requirements under subsection 5 of this section are met; and

a. The tenant space achieves a Silver, Gold, or Platinum Rating as approved by the LEED-CI Green Building Rating System, or the most recent version thereof; or

b. The tenant space achieves at least a three globes rating under the most current requirements of Green Globes.

(2) For each component eligible to receive credit such credit component amount shall not exceed the maximum amount specified in the preliminary certificate issued pursuant to subsection 8 of this section.

5. (1) The green building tax credit shall not be allowed for any taxable year unless the following are met:

(a) The applicant has obtained and filed a preliminary credit certificate issued under subsection 8 or 9 of this section;

(b) The building is in service as shown by a certificate of occupancy or other acceptable form of documentation as determined by the department; and

(c) The whole building, base building or tenant space has achieved either:

a. At least a three globes rating under the most current requirements for Green Globes; or

b. A Silver, Gold, or Platinum rating as approved by the applicable and most recent LEED Green Building Rating System as determined under subsection 4 of this section and in achieving its LEED rating, the whole building, base building, or tenant space must earn:

i. At least four LEED points for Energy and Atmosphere Credit Number One, or the equivalent points under any subsequent version of LEED; and

ii. The point for Energy and Atmosphere Credit Number Three, or the equivalent points under

any subsequent version of LEED.

(2) For each component eligible to receive credit under subsection 4 of this section, once construction is complete and an occupancy certificate is received, such credit component amount shall be allowed for each of the next four succeeding taxable years provided that the applicant obtains an eligibility certificate that meets all requirements for an eligibility certificate as described in paragraph (b) of subdivision (3) of subsection 10 of this section.

(3) When filing with the department of revenue, the applicant shall file the eligibility certificate and the preliminary credit component certificate with the claim for credit. Allowable costs in this subsection and for all five years that the credit may be available shall not exceed, in the aggregate, the amount determined under subsections 4, 6, and 7 of this section.

6. For tax years beginning on or after January 1, 2010, the tax credits authorized under this section may be used to satisfy taxes owed under chapters 143, 147, and 148, RSMo, excluding sections 143.191 to 143.265, RSMo, in the tax year the credit is issued. Tax credits issued under this section shall be refundable and may be transferred, sold, or assigned by notarized endorsement, which names the transferee. In no case shall the aggregate amount of all tax credits issued under this section exceed one million dollars per tax year.

7. As soon as practicable, but not later than December 1, 2009, the department shall promulgate rules, in accordance with the provisions of this section, to:

(1) Determine the amount of green building tax credit available to a taxpayer based on the following:

(a) The amount of floor space in the building;

(b) The square footage of the building;

(c) The green globes rating or the level of LEED rating achieved by the building, with higher ratings corresponding to greater tax credits; and

(d) Whether the building is located in an economic development area with a higher tax credit corresponding to those buildings located in an economic development area;

(2) Determine allowable credit for each of:

(a) The whole green building credit component;

(b) The base green building credit component; and

(c) The green tenant space credit component.

The department shall promulgate rules for granting green building tax credits to applicants constructing or owning buildings that achieve National Association of Home Builder Model Green Building Ratings that are substantially similar to the performance standards set forth in this bill. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule

proposed or adopted after August 28, 2008, shall be invalid and void.

8. (1) Prior to construction of a proposed facility an applicant may apply to the department for preliminary certification if the applicant will be the owner or contract purchaser of the facility at the time of construction.

(2) An application for preliminary certification shall be made in writing on a form prepared by the department and shall contain:

(a) A statement that the applicant plans to construct a facility that meets the requirements under subsection 5 of this section;

(b) A detailed description of the proposed facility and its operation and information showing that the facility shall operate as represented in the application;

(c) The estimated start and finish date of the construction of the facility;

(d) Evidence of official registration in the LEED system or green globes rating system; and

(e) Any other information determined by the director to be necessary prior to issuance of a preliminary certificate.

(3) The director may allow an applicant to file the preliminary application after the start of the construction of the facility if the director finds that filing the application before the start of construction is inappropriate because special circumstances render filing earlier unreasonable.

(4) If the director determines that the proposed construction is technically feasible and should operate in accordance with the representations made by the applicant, and is in accordance with the provisions under subsection 5 of this section and any applicable rules or standards adopted by the director, the director shall issue a preliminary credit certificate approving the construction of the facility. The preliminary credit certificate shall state the following:

(a) The first taxable year for which the credit may be applied;

(b) The expiration date of the tax credit. Such expiration date may be extended at the discretion of the director in order to avoid unwarranted hardship; and

(c) The maximum amount of the total credit allowed and the maximum amount of credit allowed in any single tax year.

(5) If the director determines that the construction does not comply with the provisions under subsection 5 of this section and applicable rules and standards, the director shall issue an order denying certification.

9. (1) To change a project that has already received preliminary certification, the applicant shall file a written request to the director which states:

(a) A detailed description of the changes;

(b) The reasons for the changes; and

(c) The effects that the changes will have on the amount of tax credit stated by the preliminary certification.

(2) The director shall make the determination as to whether the changed project complies with

the requirements under subsection 5 of this section.

(a) If the changed project complies with the requirements under subsection 5 of this section, then the director shall issue an amended preliminary certification.

(b) If the changed project fails to comply with the requirements under subsection 5 of this section, then the director shall issue an order that revokes the preliminary certification.

10. (1) No final certification shall be issued by the director under this subsection unless the facility was constructed under a preliminary certificate of approval issued under subsection 8 of this section.

(2) An applicant may apply to the department for final certification of a facility:

(a) If the department issued preliminary certification for the facility under subsection 8 of this section; and

(b) After completion of construction of the proposed facility.

(3) An application for final certification shall be made in writing on a form prepared by the department and shall contain:

(a) A statement that the conditions of the preliminary certification have been complied with;

(b) An eligibility certificate from the project architect or professional engineer licensed to practice in the state of Missouri or from a LEED accredited professional that consists of a certification by either:

a. The Green Building Initiative that the building with respect to which the credit is claimed meets the requirements for a green globes rating; or

b. The United States Green Building Council that the building with respect to which the credit is claimed is LEED certified and that in achieving its LEED rating, the building has earned at least four LEED points for Energy and Atmosphere Credit Number One and the Energy and Atmosphere Credit Number Three;

(c) A statement of the level of Green Globes or LEED performance achieved by the building to permit determination of the proper credit amount under subsection 6 of this section;

(d) A statement that the facility is in operation; and

(e) Any other information determined by the director to be necessary prior to issuance of a final certificate, including inspection of the facility by the department.

11. (1) The director may order the revocation of the final certificate issued under subsection 10 of this section if the director finds that:

(a) The certification was obtained by fraud or misrepresentation; or

(b) The holder of the certificate has failed substantially to construct the facility in compliance with the plans, specification, and procedures in such certificate.

(2) As soon as the order of revocation under this subsection becomes final, the director shall notify the department of revenue of such order.

(3) If the certificate is ordered revoked under paragraph (a) of subdivision (1) of this subsection, all prior tax credits provided to the applicant by virtue of such certificate shall be forfeited, and upon

notification under subdivision (2) of this subsection, the department of revenue immediately shall proceed to collect those taxes not paid by the applicant as a result of the tax credits provided to the applicant under this section.

(4) If the certificate is ordered revoked under this subsection, the applicant shall be denied any tax credit under this section in connection with such facility after the date that the order of revocation becomes final.

12. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The tax credit authorized under this section shall automatically sunset three years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1181, 1100, 1262 & 1263, Page 32, Section 660.135, Line 13, by inserting after all of said Line, the following:

“Section 1. Notwithstanding any other provision of law, any electrical corporation as defined by subdivision 15 of section 386.020, RSMo, which, by January 20, 2009, achieves an amount of eligible renewable energy technology nameplate capacity equal to or greater than fifteen percent of such corporation's total owned fossil-fired generating capacity, shall be exempt thereafter from a requirement to pay any subsidy, fee, or rebate to its customers that install their own solar electric energy system and shall be exempt from meeting any non-federal mandated renewable energy standard requirements. Any disputes or denial of exemptions under this section shall be reviewable by the circuit court of Cole County as prescribed by law.”; and

Further amend said Bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** as amended for **HCS** for **HBs 1549, 1771, 1395, and 2366**, as amended and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Rupp moved that the Senate refuse to recede from its position on **SS** for **HCS** for **HBs 1549, 1771, 1395 and 2366**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Ridgeway moved that the Senate refuse to concur in **HCS No. 2** for **SB 976**, as amended, and

request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **SCS** for **SBs 1034** and **802**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

HCS for **SCS** for **SBs 1034** and **802**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SS** for **HCS** for **HBs 1549, 1771, 1395** and **2366**, as amended: Senators Rupp, Crowell, Engler, Green and McKenna.

Senator Scott assumed the Chair.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **SS** for **SCS** for **SB 718**, entitled:

An Act to repeal sections 32.105, 67.1501, 67.1545, 135.155, 135.535, 135.562, 135.967, 137.115, 137.1018, 144.030, 155.010, 253.550, 447.708, 620.495, 620.1039, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof twenty-one new sections relating to tax incentives for business development, with an emergency clause for a certain section.

With House Amendment Nos. 1, 2, and 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendments Nos. 5, 6 and 7.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Section 32.105, Page 2, Line 24 by deleting “5%” and inserting in lieu thereof “35%”; and

Further amend said bill, Section 137.115, Page 15, Line 7 by deleting the word “possessor” from said line and inserting in lieu thereof the following: “[possessor] **possessory**”; and

Further amend said page, Line 9 by deleting the word “**possessor**” and inserting in lieu thereof the word “**possessory**”; and

Further amend said bill, section, page, Line 13, by deleting the word “**possessor**” and inserting in lieu thereof the word “**possessory**”; and

Further amend said bill, section, page, Line 16, by deleting the word “**possessor**” and inserting in lieu thereof the word “**possessory**”; and

Further amend said bill, Section 620.1881, Page 57, Lines 204 and 205 by removing the open “[” and closed “]” brackets from said lines; and

Further amend said Page, Line 205, by inserting an open bracket “[” in front of the word “forty”; and further amend said line by inserting after the word “forty” the following: “] **sixty**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, In the title, Line 4, by inserting after “RSMo,” the following:

“and section 99.825 as enacted by senate committee substitute for house committee substitute for house bill no. 741, ninety-fourth general assembly, first regular session, and section 99.825 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session,”; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after “RSMo,” the following:

“senate committee substitute for house committee substitute for house bill no. 741, ninety-fourth general assembly, first regular session, and section 99.825 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session,”; and

Further amend said bill, Page 6, Section 67.1545, Line 57, by inserting after all of said line the following:

“99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan.”No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality,

or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 **or** 3 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered

upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) [Effective January 1, 2008, in a municipality which is in a county under the authority of the

East-West Gateway Council of Governments, except any municipality in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, the municipality shall create a commission in the same manner as the commission for any county with a charter form of government and with more than one million inhabitants, such commission shall have twelve members with two such members appointed by the school boards whose districts are included in the county in a manner in which such school boards agree, with one such member to represent all other districts levying ad valorem taxes in a manner in which all such districts agree, six such members appointed either by the county executive or county commissioner, and three such members appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(8) Effective January 1, 2008, when any city, town, or village under the authority of the East-West Gateway Council of Governments, except any municipality in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, desires to implement a tax increment financing project, such city, town, or village shall first obtain the permission of the county tax increment financing commission created in this subsection within which the city, town, or village is located. In the event such commission votes in opposition to the redevelopment project, such redevelopment project shall not be approved unless at least two-thirds of the governing body of the city, town, or village votes to approve such project;

(9)] At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments. **Members appointed by the county executive or presiding commissioner prior to August 28, 2008, shall continue their service on the commission established in subsection 3 of this section without further appointment unless the county executive or presiding commissioner appoints a new member or members.**

3. [The commission] **Beginning August 28, 2008:**

(1) In lieu of a commission created under subsection 2 of this section, any city, town, or village in a county with a charter form of government and with more than one million inhabitants, in a county with a charter form of government and with more than two hundred fifty thousand but fewer

than three hundred fifty thousand inhabitants, or in a county of the first classification with more than one hundred eighty-five thousand but fewer than two hundred thousand inhabitants shall, prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, create a commission consisting of twelve persons to be appointed as follows:

(a) Six members appointed either by the county executive or presiding commissioner; notwithstanding any provision of law to the contrary, no approval by the county's governing body shall be required;

(b) Three members appointed by the cities, towns, or villages in the county which have tax increment financing districts in a manner in which the chief elected officials of such cities, towns, or villages agree;

(c) Two members appointed by the school boards whose districts are included in the county in a manner in which the school boards agree; and

(d) One member to represent all other districts levying ad valorem taxes in the proposed redevelopment area in a manner in which all such districts agree.

No city, town, or village subject to this subsection shall create or maintain a commission under subsection 2 of this section, except as necessary to complete a public hearing for which notice under section 99.830 has been provided prior to August 28, 2008, and to vote or make recommendations relating to redevelopment plans, redevelopment projects, or designation of redevelopment areas, or amendments thereto that were the subject of such public hearing;

(2) Members appointed to the commission created under this subsection, except those six members appointed by either the county executive or presiding commissioner, shall serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan, or designation of a redevelopment area is considered for approval by the commission. The six members appointed by either the county executive or the presiding commissioner shall serve on all such commissions until replaced. The city, town, or village that creates a commission under this subsection shall send notice thereof by certified mail to the county executive or presiding commissioner, to the school districts whose boundaries include any portion of the proposed redevelopment area, and to the other taxing districts whose boundaries include any portion of the proposed redevelopment area. The city, town, or village that creates the commission shall also be solely responsible for notifying all other cities, towns, and villages in the county that have tax increment financing districts and shall exercise all administrative functions of the commission. The school districts receiving notice from the city, town, or village shall be solely responsible for notifying the other school districts within the county of the formation of the commission. If the county, school board, or other taxing district fails to appoint members to the commission within thirty days after the city, town, or village sends the written notice, as provided herein, that it has convened such a commission or within thirty days of the expiration of any such member's term, the remaining duly appointed members of the commission may exercise the full powers of the commission.

4. (1) Any commission created under this section, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. [The]

(2) **Any commission created under subsection 2 of this section** shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.

(3) **Any commission created under subsection 3 of this section shall, within fifteen days of the receipt of a redevelopment plan meeting the minimum requirements of section 99.810, as determined by counsel to the city, town, or village creating the commission and a request by the applicable city, town, or village for a public hearing, fix a time and place for the public hearing referred to in section 99.825. The public hearing shall be held no later than seventy-five days from the commission's receipt of such redevelopment plan and request for public hearing. The commission shall vote and make recommendations to the governing body of the city, town, or village requesting the public hearing on all proposed redevelopment plans, redevelopment projects, and designations of redevelopment areas, and amendments thereto within thirty days following the completion of the public hearing. If the commission fails to vote within thirty days following the completion of the public hearing referred to in section 99.825 concerning the proposed redevelopment plan, redevelopment project, or designation of redevelopment area, or amendments thereto, such plan, project, designation, or amendment thereto shall be deemed rejected by the commission.**

99.825. 1. Prior to the adoption of an ordinance proposing the designation of a redevelopment area, or approving a redevelopment plan or redevelopment project, the commission shall fix a time and place for a public hearing **as required in subsection 4 of section 99.820** and notify each taxing district located wholly or partially within the boundaries of the proposed redevelopment area, plan or project. At the public hearing any interested person or affected taxing district may file with the commission written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The commission shall hear and consider all protests, objections, comments and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing; **provided, if the commission is created under subsection 3 of section 99.820, the hearing shall not be continued for more than thirty days beyond the date on which it is originally opened unless such longer period is requested by the chief elected official of the municipality creating the commission and approved by a majority of the commission.** Prior to the conclusion of the hearing, changes may be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that each affected taxing district is given written notice of such changes at least seven days prior to the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas without a further hearing, if such changes do not enlarge the exterior boundaries of the redevelopment area or areas, and do not substantially affect the general land uses established in the redevelopment plan or substantially change the nature of the redevelopment projects, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the area of the proposed redevelopment not less than ten days prior to the adoption of the changes by ordinance. After the adoption of an ordinance approving a redevelopment plan or

redevelopment project, or designating a redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the general land uses established pursuant to the redevelopment plan or changing the nature of the redevelopment project without complying with the procedures provided in this section pertaining to the initial approval of a redevelopment plan or redevelopment project and designation of a redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or redevelopment plan may be held simultaneously.

2. Effective January 1, 2008, if, after concluding the hearing required under this section, the commission makes a recommendation under section 99.820 in opposition to a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area, or any amendments thereto, a municipality desiring to approve such project, plan, designation, or amendments shall do so only upon a two-thirds majority vote of the governing body of such municipality.

3. Tax incremental financing projects within an economic development area shall apply to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it include buildings. ; and

Further amend said bill, Page 57, Section 620.1881, Line 261, by inserting after all of said line the following:

[99.825. 1. Prior to the adoption of an ordinance proposing the designation of a redevelopment area, or approving a redevelopment plan or redevelopment project, the commission shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed redevelopment area, plan or project. At the public hearing any interested person or affected taxing district may file with the commission written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The commission shall hear and consider all protests, objections, comments and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. Prior to the conclusion of the hearing, changes may be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that each affected taxing district is given written notice of such changes at least seven days prior to the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas without a further hearing, if such changes do not enlarge the exterior boundaries of the redevelopment area or areas, and do not substantially affect the general land uses established in the redevelopment plan or substantially change the nature of the redevelopment projects, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the area of the proposed redevelopment not less than ten days prior to the adoption of the changes by ordinance. After the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the general land uses established pursuant to the redevelopment plan or changing the nature of the redevelopment project without complying with the procedures provided in this section pertaining to the initial approval of a redevelopment plan or redevelopment project and designation of a redevelopment area. Hearings

with regard to a redevelopment project, redevelopment area, or redevelopment plan may be held simultaneously.

2. Tax incremental financing projects within an economic development area shall apply to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it include buildings.] ; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Section 253.550, Page 30, Line 20 by inserting after all of said line the following:

“313.057. 1. It is unlawful for any person, either as an owner, lessee or employee, to operate, carry on, conduct or maintain any form of manufacturing, selling, leasing or distribution of any bingo equipment or supplies without having first procured and maintained a Missouri bingo equipment and supplies manufacturer or supplier license.

2. The commission shall submit two sets of fingerprints for each key person, as defined in commission rules and regulations, of an entity or organization seeking issuance or renewal of a Missouri bingo equipment and supplies manufacturer or supplier license, for the purpose of checking the person's prior criminal history when the commission determines a nationwide check is warranted. The fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's criminal records division. The first set of fingerprints shall be used for searching the state repository of criminal history information. The second set of fingerprints shall be forwarded to the Federal Bureau of Investigation, Identification Division, for the searching of the federal criminal history files. The patrol shall notify the commission of any criminal history information or lack of criminal history information discovered on the individual. Notwithstanding the provisions of section 610.120, RSMo, all records related to any criminal history information discovered shall be accessible and available to the commission.

3. The holder of a state bingo license may, within two years of cessation of conducting bingo or upon specific approval by the commission, dispose of by sale in a manner approved by the commission, any or all of his bingo equipment and supplies, without a supplier's license. In case of foreclosure of a lien by a bank or other person holding a security interest for which bingo equipment is security in whole or in part for the lien, the commission may authorize the disposition of the bingo equipment without requiring a supplier's license.

4. Any person whom the commission determines to be a suitable person to receive a license pursuant to the provisions of this section may be issued a manufacturer's or supplier's license. The commission may require suppliers to post a bond with the commission in an amount and in the manner prescribed by the commission. The burden of proving his qualification to receive or hold a license pursuant to this section is at all times on the applicant or licensee.

5. The commission shall charge and collect from each applicant for a supplier's license a one-time application fee set by the commission, not to exceed five thousand dollars. The commission shall charge and collect an annual renewal fee for each supplier licensee not to exceed one thousand dollars.

6. The commission shall charge and collect from each applicant for a manufacturer's license a one-time

application fee set by the commission, not to exceed one thousand dollars. The commission shall charge and collect an annual renewal fee for each manufacturer licensee not to exceed five hundred dollars.

7. The commission shall charge and collect from each applicant for a hall provider's license a one-time application fee set by the commission, not to exceed seven hundred fifty dollars. The commission shall charge and collect an annual renewal fee for each hall provider licensee not to exceed five hundred dollars.

8. All licenses issued pursuant to this section shall be issued for the calendar year and shall expire on December thirty-first of each year. Regardless of the date of application or issuance of the license, the fee to be charged and collected pursuant to this section shall be the full annual fee.

9. All license fees collected pursuant to this section shall be paid over immediately to the state treasurer to be deposited to the credit of the gaming commission bingo fund.

10. All licensees pursuant to this section shall maintain for a period of not less than three years full and complete records of all business carried on in this state and shall make same available for inspection to any duly authorized representative of the commission. If a supplier does not receive payment in full from an organization within thirty days of the delivery of bingo supplies, the supplier shall notify the commission in writing, or in a manner specified by the commission in its rules and regulations, of the delinquency. Upon receipt of the notice of delinquency, the commission shall notify all suppliers that until further notice from the commission, all sales of bingo supplies to the delinquent organizations shall be on a cash-only basis. Upon receipt of the notice from the commission, no supplier may extend credit to the delinquent organization until such time as the commission approves credit sales. If a manufacturer does not receive payment in full from a supplier within ninety days of the delivery of bingo supplies, the manufacturer shall notify the commission in writing, or in a manner specified by the commission in its rules and regulations, of the delinquency. Upon receipt of the notice of delinquency, the commission shall notify all manufacturers that until further notice from the commission, all sales of bingo supplies to the delinquent supplier shall be on a cash-only basis. Upon receipt of the notice from the commission, no manufacturer may extend credit to the delinquent supplier until such time as the commission approves credit sales.

11. [Until January 1, 1995, all suppliers shall pay a tax on all pull-tab cards distributed by them in the amount of ten dollars per box when sold by any organization licensed to conduct bingo pursuant to the provisions of sections 313.005 to 313.080. No box sold shall contain more than twenty-four hundred pull-tab cards. Beginning January 1, 1995, a tax is hereby imposed in the amount of two percent of the gross receipts of the retail sales value charged for each pull-tab card sold in Missouri to be paid by the supplier. The taxes, less two percent of the total amount paid which may be retained by the supplier, if timely filed and paid, shall be paid on a monthly basis to the commission by each supplier of pull-tabs and shall be due on the last day of each month following the month in which the pull-tabs were sold. The taxes shall be deposited in the state treasury, credited to the bingo proceeds for education fund.] All pull-tab cards sold by suppliers in this state shall bear on the face thereof the amount for which such pull-tab cards will be sold, and the license number of the supplier shall be printed on the inventory statement commonly called the flare, enclosed in each unit container. Each unit container shall contain cards printed in such a manner as to ensure that at least sixty percent of the gross revenues generated by the ultimate sale of such cards shall be returned to the final purchasers of such cards. [Any supplier who fails to pay the tax imposed pursuant to this subsection shall have his license issued pursuant to this section revoked and shall be guilty of a class A misdemeanor.]; and

Further amend said bill, Section 620.1881, Page 59, Line 260 by inserting after all of said line the

following:

“[313.055. 1. A tax is hereby imposed on each organization conducting the game of bingo which awards to winners of bingo games prizes or merchandise having an aggregate retail value of more than five thousand dollars annually and more than one hundred dollars in any single day. The tax shall be in the amount of two-tenths of one cent upon each bingo card and progressive bingo game card sold in Missouri to be paid by the supplier. The taxes, less two percent of the total amount paid which may be retained by the supplier, shall be paid on a monthly basis to the commission, by each supplier of bingo supplies and shall be due on the last day of the month following the month in which the bingo card was sold, with the date of sale being the date on the invoice evidencing the sale, along with such reports as may be required by the commission. The taxes shall be deposited in the state treasury, credited to the bingo proceeds for education fund.

2. All taxes not paid to the commission by the person or licensee required to remit the same on the date when the same becomes due and payable to the commission under the provisions of sections 313.005 to 313.085 shall bear interest at the rate to be set by the commission not to exceed two percent per calendar month, or fraction thereof, from and after such date until paid. In addition, the commission may impose a penalty not to exceed three times the amount of taxes due for failure to submit the reports required by this section and pay the taxes due.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 4

Amend House Committee Substitute #2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Section 348.274, Page 35, Line 135 by inserting after all of said line the following:

“407.1240. As used in sections 407.1240 to 407.1252, the following terms shall mean:

(1) “Business day”, every day except Sundays and holidays;

(2) “Holiday”, any day that the United States Post Office is closed;

(3) “Membership fee”, the initial or reoccurring fee that is unrelated to actual pass-through costs associated with the use and enjoyment of travel benefits;

(4) “Rescission statement”, a statement that shall be printed on all contracts pertaining to the purchase of travel club memberships from a travel club that shall provide in at least fourteen-point bold type the following statement:

“Assuming you have [not accessed any travel benefits and have] returned to the travel club all materials delivered to the purchaser at closing, you have the right to rescind this transaction for a period of three business days after the date of this agreement. To exercise the right of rescission, you must deliver to the travel club, either in person or by first class mail postmarked within the three-business-day period, at the address referenced in this contract, a written statement of your desire to rescind this transaction, and all materials **of value** that were provided and given to you at the time of the purchase of your travel club membership.”;

(5) “Surety bond”, any surety bond, corporate guaranty, letter of credit, certificate of deposit, or other

bond or financial assurance in the sum of fifty thousand dollars that is required to be delivered by travel clubs which have been adjudged to have violated subsection 4 or 5 of section 407.1252 and in the event that such surety bond is accessed subsequent to posting as a result of the need to reimburse purchasers, the amount of the surety bond shall be increased by ten thousand dollars per reimbursement. All surety bonds shall:

(a) Serve as a source of funds to reimburse purchasers of travel club memberships who validly exercise their rights under the rescission statement in their contract but who are not, after judgment, provided a refund equal to the purchase price of their unused travel club memberships or, after settlement, equal to the terms of the settlement;

(b) Serve as a source of funds to reimburse purchasers of travel club memberships who have been proven to be the subject of fraud;

(c) Remain in full force and effect during the period of time the travel club conducts its business activities; and

(d) Be deemed acceptable to the attorney general if:

a. It is issued by an insurance company that possesses at least a “B+” rating, or its equivalent by A.M. Best or its successors or by any other nationally recognized entity that rates the creditworthiness of insurance companies;

b. It is in the form of a letter of credit that is issued by a banking institution with assets of at least seventy-five million dollars;

c. It is in the form of a certificate of deposit; or

d. It is in a form that otherwise is acceptable to the attorney general;

(6) “Travel benefits”, benefits that are offered to travel club purchasers and customers that include all forms of overnight resort, condominium, time-share, hotel, motel, and other rental housing of every nature; all forms of air travel and rental car access; all forms of cruise line access; and all other forms of discounted travel benefits of every nature;

(7) “Travel club”, any business enterprise that either directly, indirectly, or through the use of a fulfillment company or other third party offers to sell to the public the reoccurring right to purchase travel benefits at prices that are represented as being discounted from prices otherwise not generally available to the public and charges members or customers a membership fee that collectively equals no less than seven hundred fifty dollars.

407.1249. Assuming a purchaser [has not otherwise accessed any travel benefits and] returns to the travel club all materials of value delivered to the purchaser at closing, all purchasers of travel club memberships from a travel club that is registered shall have the nonwaivable right for a period of three business days after the date of their purchase to rescind and cancel their travel club purchase and receive a full refund of all sums otherwise paid to the travel club within fifteen business days of such rescission, minus the actual and reasonable cost of processing the refund, including credit card fees if applicable. **Use of travel club benefits during such rescission period shall not waive the right afforded by this section.** Individuals who purchase travel club memberships from a travel club that is not registered under sections 407.1240 to 407.1252 shall have a nonwaivable right for a period of three years from the date of purchase to rescind and cancel their travel club membership and shall receive a full refund within fifteen business

days of such rescission.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Section 135.682, Page 12, Line 35 by inserting after all of said line the following:

“135.903. 1. To qualify as a rural empowerment zone, an area shall meet all the following criteria:

(1) The area is one of pervasive poverty, unemployment, and general distress;

(2) At least sixty-five percent of the population has earned income below eighty percent of the median income of all residents within the state according to the last decennial census or other appropriate source as approved by the director;

(3) The population of the area is at least four hundred but not more than three thousand five hundred at the time of designation as a rural empowerment zone;

(4) The level of unemployment of persons, according to the most recent data available from the division of employment security or from the United States Bureau of Census and approved by the director, within the area exceeds one and one-half times the average rate of unemployment for the state of Missouri over the previous twelve months, or the percentage of area residents employed on a full-time basis is less than fifty percent of the statewide percentage of residents employed on a full-time basis;

(5) The area is situated more than ten miles from any existing rural empowerment zone;

(6) The area is situated in [a county of the third classification without a township form of government and with more than eight thousand nine hundred twenty-five but less than nine thousand twenty-five] **any county with eighteen thousand or fewer** inhabitants; and

(7) The area is not situated in an existing enterprise zone.

2. The governing body of any county in which an area may be designated a rural empowerment zone shall submit to the department an application showing that the area complies with the requirements of subsection 1 of this section. The department shall declare the area a rural empowerment zone if upon investigation the department finds that the area meets the requirements of subsection 1 of this section. If the area is found not to meet the requirements, the governing body shall have the opportunity to submit another application for designation as a rural empowerment zone and the department shall designate the area a rural empowerment zone if upon investigation the department finds that the area meets the requirements of subsection 1 of this section.

3. There shall be no more than two rural empowerment zones **per county** as created under sections 135.900 to 135.906 in existence at any time.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Section 135.562, Page 11, Line 50, by inserting after all of said line the following:

“135.610. 1. For all tax years beginning on or after January 1, 2008, any taxpayer who is a volunteer firefighter with a registered fire department in this state shall be allowed a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo.

2. The credit authorized in this section shall be claimed as follows:

(1) The taxpayer may claim a credit in the amount of one hundred eighty dollars in the first tax year the taxpayer claims the credit if the taxpayer has completed at least twelve hours of any firefighter training program approved by the office of the state fire marshal in the tax year for which the credit is claimed. The taxpayer may claim the credit authorized in this subdivision in each subsequent tax year if the taxpayer completes at least twelve hours of any firefighter training program approved by the office of the state fire marshal in such subsequent tax year;

(2) After the initial tax credit is claimed under subdivision (1) of this subsection and the taxpayer has completed the Basic Fire Fighter program or been certified after completing the Fire Fighter I or Fire Fighter II program by the division of fire safety for a minimum of thirty-six hours, the taxpayer may claim a credit in the amount of three hundred sixty dollars in each tax year if the taxpayer has completed at least twelve hours of firefighter training program approved by the office of the state fire marshal in the tax year the taxpayer claims the credit under this subdivision.

3. The state fire marshal may develop or approve existing training programs for volunteer firefighters, may establish procedures for providing documentation that the taxpayer is a volunteer firefighter in good standing with a registered fire department, as required in chapter 320, RSMo, and has completed the training requirements in this section, and may promulgate rules to implement the provisions of this section.

4. The tax credit allowed by this section shall be claimed by the qualified taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143, RSMo, after all other credits provided by law have been applied. If the amount of the tax credit exceeds the taxpayer's tax liability, the difference shall not be refundable but may be carried forward to any of the taxpayer's four subsequent taxable years.

5. The director of revenue shall establish the procedure by which the tax credit in this section may be claimed, and shall promulgate rules to implement the provisions of this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

7. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Section 67.1545, Page 6, Line 55 by inserting after all of said Section and Line:

“94.900. 1. The governing body of any city of the third classification with more than ten thousand eight hundred but less than ten thousand nine hundred inhabitants located at least partly within a county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, **or any city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants**, is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such city which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the city submits to the voters of the city, at a county or state general, primary or special election, a proposal to authorize the governing body of the city to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the city of (city's name) impose a citywide sales tax of (insert amount) for the purpose of improving the public safety of the city?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “Yes”. If you are opposed to the question, place an “X” in the box opposite “No”.

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second **calender** quarter [immediately following the election approving the proposal] **after the director of revenue receives notification of adoption of the local sales tax**. If a proposal receives less than the required majority, then the governing body of the city shall have no power to impose the sales tax herein authorized unless and until the governing body of the city shall again have submitted another proposal to authorize the governing body of the city to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a city from the tax authorized under the provisions of this section shall be

deposited in a special trust fund and shall be used solely for improving the public safety for such city for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for improving the public safety for the city. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds.

5. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created [in the state treasury], to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director of the department of revenue shall keep accurate records of the amount of money in the trust and which was collected in each city imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of the department of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax; such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of the department of revenue may [authorize the state treasurer to] make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the department of revenue of the action at least ninety days prior to the effective date of the repeal and the director of the department of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of the department of revenue shall remit the balance in the account to the city and close the account of that city. The director of the department of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

94.902. 1. The governing body of any city of the third classification with more than twenty-six thousand three hundred but less than twenty-six thousand seven hundred inhabitants, **or any city of the fourth classification with more than thirty thousand three hundred but fewer than thirty thousand seven hundred inhabitants**, may impose, by order or ordinance, a sales tax on all retail sales made in the city which are subject to taxation under chapter 144, RSMo. The tax authorized in this section may be imposed in an amount of up to one-half of one percent, and shall be imposed solely for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city

employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance imposing a sales tax under this section shall not become effective unless the governing body of the city submits to the voters residing within the city, at a county or state general, primary, or special election, a proposal to authorize the governing body of the city to impose a tax under this section.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall the city of (city's name) impose a citywide sales tax at a rate of (insert rate of percent) percent for the purpose of improving the public safety of the city?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments to the order or ordinance shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the proposal by the qualified voters voting thereon are opposed to the proposal, then the tax shall not become effective unless the proposal is resubmitted under this section to the qualified voters and such proposal is approved by a majority of the qualified voters voting on the proposal. However, in no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal under this section.

3. Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in section 32.087, RSMo. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created in the state treasury, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director shall keep accurate records of the amount of money in the trust **fund** and which was collected in each city imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax. Such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The director of the department of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the action at least ninety days before the effective date of the repeal, and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

5. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of improving the public safety of the city?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question.

6. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 30, Section 253.550, Line 20, by inserting after all of said line the following:

311.489. 1. A permit for the sale of intoxicating liquor as defined in section 311.020, and nonintoxicating beer as defined in section 312.010, RSMo, for consumption on premises where sold, and to conduct specified festival events, may be issued to any festival district, located in any home rule

city with more than four hundred thousand inhabitants and located in more than one county, that includes three or more businesses that are licensed bars, nightclubs, restaurants, or other entertainment venues and a common area where a pedestrian access is controlled and that is closed to vehicle traffic, provided that the permit is held by a promotional association. A “promotional association” is defined as an entity formed by property owners who own or operate fifty percent or more of the square feet of bars, nightclubs, restaurants, and other entertainment venues located within the proposed district.

2. The promotional association may obtain a permit if the promotional association submits a plan to the governing body of the city containing basic information, which includes the legal description of the district and the common area within which such festivals shall be held, the name, address, and responsible person of each business participating in the promotional association, the specific calendar of events for the district which shall not exceed twenty such events and shall include the dates and times of any such events, a description of the proposed festival activities including any proposed public street closures if applicable, proof of adequate insurance, and a detailed description of security for any proposed festivals. Such permit shall cost three hundred dollars per year. Such plan may be amended during the year subject to governing municipality approval.

3. Prior to submitting a plan to the governing body of the city, the promotional association shall provide notice of its intent to apply for a festival district permit and conduct a public hearing on the plan. If any business owner, property owner, or resident within the boundaries of the common area of the event do not approve in the public hearing of any proposed event, or the proposed plan of events, the promotional association shall obtain written approval of such event or plan from seventy-five percent of the property owners, business owners, and residents within the district. If the plan is approved, the promotional association may conduct the events described in the plan and may sell liquor for consumption within the district common areas between 9:00 a.m. and 1:00 a.m. on Monday through Saturday and between 11:00 a.m. and 12:00 a.m. on Sunday and in accordance with any additional time constraints stated in such plan. Such promotional association may permit customers to leave an establishment within the district after purchasing an alcoholic beverage and consume the beverage in the district common areas or another licensed establishment within the district. No person shall be allowed to take any alcoholic beverage outside the boundaries of the festival district.

4. If participating in a promotional association event, every bar, nightclub, restaurant, promotional association, or other entertainment venue that serves alcoholic beverages within the festival district shall use disposable paper, plastic, or foam cups or other light-weight containers for all alcoholic beverages that the bar, nightclub, restaurant, promotional association, or other entertainment venue sells within the festival district boundaries for consumption in the district common area.

5. If minors are allowed to enter the festival district, which shall be clearly stated in the festival district's approved plan, the applicant shall ensure that such minors are easily distinguished from persons of legal age and any approved plan shall include the method by which this provision shall be satisfied.

6. The holder of the permit is solely responsible for any alcohol violations occurring within the common areas. For any violation of this chapter or of any rule or regulation of the supervisor of alcohol and tobacco control, the promotional association may be assessed a civil fine of not more than

five thousand dollars. If a promotional association is found to be responsible for such violations at three separate events, then such promotional association shall not seek approval for subsequent plans without the prior written consent of the supervisor of alcohol and tobacco control. The promotional association's then current plan shall be deemed terminated, and the businesses participating in the promotional association's events shall not participate in activities permitted by subsection 3 of this section without prior written consent from the supervisor of alcohol and tobacco control.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Senator Shields announced that photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **SCS** for **HCS** for **HB 2393**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Scott assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Goodman, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 765** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 765

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 765, with Part I and Part III adopted, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 765, with Part I and Part III;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 765;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 765, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Jack A. L. Goodman

/s/ John E. Griesheimer

/s/ Chuck Purgason

/s/ Rita Heard Days

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Vicki Schneider

/s/ Jay Wasson

/s/ Brian Nieves

/s/ Trent Skaggs

/s/ Michael Frame 105

Senator Goodman moved that the above conference committee report be adopted.

At the request of Senator Goodman, the above motion was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 1170**, entitled:

An Act to repeal section 177.088, RSMo, and to enact in lieu thereof two new sections relating to education boards and commissions, with an emergency clause for a certain section.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1170 Section 177.088, Page 6, Line 80 by inserting after all of said line the following:

“12. Notwithstanding provisions of this section to the contrary, the board of education of any school district located within a county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants may enter into agreements with such county, or a city, town, or village wholly or partially located within the boundaries of such school district, in order to provide for the acquisition, construction, improvement, extension, repair, remodeling, renovation, and financing of sites, buildings, facilities, furnishings, and equipment for the use of the school district for educational purposes. Such an agreement may provide for the present or future acquisition of an ownership interest in such facilities by the school district, by lease, lease purchase agreement, option to purchase agreement, or similar provisions, and may provide for a joint venture between the school district and other entity or entities that are parties to such an agreement providing for the sharing of the costs of acquisition, construction, repair, maintenance, and operation of such facilities. The school district may wholly own such facilities, or may acquire a partial ownership interest along with the county, city, town, or village with which the agreement was executed. Notwithstanding the provisions of subsection 11 of this section, the school district may expend funds from its general or incidental funds to satisfy its obligations for rent, lease payments, construction, improvements, maintenance, repairs, and operation of such facilities, and may acquire an ownership interest in such facilities, without being subject to the deductions from funds payable to the district under section 163.031, RSMo.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS No. 2** for **SB 976**, as amended and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SS** for **HCS** for **HBs 1549, 1771, 1395** and **2366**, as amended. Representatives: Onder, Nolte, Nieves, Talboy and Wildberger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS No. 2** for **SB 976**, as amended. Representatives: Stevenson, Jones (89), Cox, Bringer and Burnett.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS No. 2** for **SB 976**, as amended: Senators Ridgeway, Bartle, Crowell, Coleman and Justus.

HOUSE BILLS ON THIRD READING

Senator Mayer moved that **HCS** for **HB 1722**, with **SCS**, **SS** for **SCS** and **SA 18** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 18 was again taken up.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1722, Page 13, Section 160.261, Line 7 of said page, by inserting immediately after said line the following:

“160.355. The governing board of any urban, metropolitan, or seven director school district may adopt a policy that allows any student who has earned fine arts credit for participation in high school marching band for three or more years to be granted a waiver for one half unit of the physical education graduation requirement. Such a policy may only be adopted after a public hearing is held on the question and a majority of the board votes in favor of the question. Any board that votes to adopt the waiver policy described in this section shall contact appropriate officials at the department of elementary and secondary education within thirty days of the affirmative vote. The state board of education shall make any necessary alterations to bring the state's minimum graduation requirements

into compliance with this section. This section shall not be construed to impact any of the other minimum graduation requirements approved by the state board of education.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion failed.

Senator Coleman offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1722, Page 60, Section 167.115, Line 18, by inserting immediately after all of said line the following

“167.131. 1. The board of education of each district in this state that does not maintain an accredited school pursuant to the authority of the state board of education to classify schools as established in section 161.092, RSMo, shall pay the tuition of and provide transportation consistent with the provisions of section 167.241, RSMo, for each pupil resident therein who attends an accredited school in another district of the same or an adjoining county. **This section shall not apply where pursuant to section 162.1100 RSMo the powers of the board of education of the district where the pupil resides have been vested, in whole or in part, in a special administrative board.**

2. The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the district's grade level grouping which includes the school attended. The cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. The term “debt service”, as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost of maintaining the grade level grouping by the average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final. Subject to the limitations of this section, each pupil shall be free to attend the public school of his or her choice.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Crowell, Smith, Callahan and Nodler.

SA 20 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Coleman	Days	Graham	Green	Justus	Kennedy
McKenna	Shoemyer	Wilson—11					

NAYS—Senators

Bartle	Callahan	Clemens	Crowell	Dempsey	Engler	Gibbons	Goodman
Griesheimer	Koster	Lager	Loudon	Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Smith	Stouffer	Vogel—22		

Absent—Senator Champion—1

Absent with leave—Senators—None

Vacancies—None

Senator Dempsey offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1722, Page 70, Section 168.133, Line 14 of said page, by inserting after all of said line the following:

“168.173. 1. Beginning in school year 2009-2010, registered professional school nurses employed by a school district shall be paid on the same pay scale as teachers working in the same school district, with nurses and teachers having equivalent work history and working hours receiving the same salary.

2. The salary requirements under this section for registered professional school nurses shall not result in a decrease or loss of any existing school funding or decrease the current number of registered professional school nurse staffing positions in any school district.

3. As used in this section, the following terms shall mean:

(1) “Registered professional school nurse”, a registered professional nurse, as defined in section 335.016, RSMo, employed by a school district to engage in the practice of professional nursing, as defined in section 335.016, RSMo, for such school district;

(2) “Salary”, the salary figure which appears on the registered professional school nurse's contract or employment agreement and as determined by the local school district's basic salary schedule and does not include supplements for extra duties.”; and

Further amend the title and enacting clause accordingly.

Senator Dempsey moved that the above amendment be adopted.

At the request of Senator Mayer, **HCS** for **HB 1722**, with **SCS**, **SS** for **SCS** and **SA 21** (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Kennedy moved that the Senate refuse to concur in **HCS No. 2** for **SS** for **SCS** for **SB 718**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Mayer moved that **HCS** for **HB 1722**, with **SCS**, **SS** for **SCS** and **SA 21** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 21 was again taken up.

Senator Dempsey moved that the above amendment be adopted.

At the request of Senator Mayer, **HCS** for **HB 1722**, with **SCS**, **SS** for **SCS** and **SA 21** (pending), was placed on the Informal Calendar.

CONFERENCE COMMITTEE REPORTS

Senator Coleman, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 720**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 720**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 720, with House Amendment No. 2 and Parts I, II, III, and IV of House Amendment No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 720, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 720;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 720 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Maida J. Coleman

/s/ Kevin Engler

/s/ Tom Dempsey

/s/ Brad Lager

/s/ Frank A. Barnitz

FOR THE HOUSE:

/s/ Jason T. Smith

/s/ Ed Emery

/s/ Shane Schoeller

/s/ Trent Skaggs 31st

/s/ Regina M. Walsh

Senator Coleman moved that the above conference committee report be adopted.

At the request of Senator Coleman, the above motion was withdrawn.

Senator Stouffer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SBs 930** and **947**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 930 and 947**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 930 & 947, with House Amendments Nos, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, House Amendment No. 1 to House Amendment No. 11, House Amendment No. 11 as amended, House Amendment No. 12, House Amendment No. 1 to House Amendment No. 13, House Amendment No. 13 as amended, House Amendment No. 14, House Amendment No. 1 to House Amendment No. 15, House Amendment No. 15 as amended, House Amendment Nos. 16, 17, 18, 19, 20, 21, 23, House Amendment No.

2 to House Amendment No 24, House Amendment No. 24, and House Amendment No. 25 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 930 & 947, as amended;

2. The Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 930 & 947,;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 930 & 947, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Bill Stouffer

/s/ Scott T. Rupp

/s/ Delbert Scott

/s/ Harry Kennedy

/s/ Wes Shoemyer

FOR THE HOUSE:

/s/ Neal St. Onge

/s/ Steve Hobbs

John Quinn, 7th

/s/ Joe Fallert, Jr.

/s/ Paul Quinn

Senator Stouffer moved that the above conference committee report be adopted.

At the request of Senator Stouffer, the above motion was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 29**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **SCS** for **SB 781**, entitled:

An Act to repeal sections 49.292, 441.065, 441.880, 534.090, 535.030, 535.040, and 535.120, RSMo, and sections 317.006, 317.011, and 317.015 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780 merged with conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, and to enact in lieu thereof eleven new sections relating to real property, with an emergency clause for certain sections.

With House Substitute Amendment No. 1 for House Amendment No. 1.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 1

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 781, Page 6, Section 441.065, Line 23, by inserting after the word “**reasonable**”, the following:

“**and good faith**”; and

Further amend said Bill, Page 6, Section 441.645, Line 6, by inserting after the word “**section**”, the following:

“; **however, any contract assigning the duty to pay rent after such residence is destroyed shall not be enforceable if the court determines such contract to be unconscionable**”; and

Further amend said Bill, Page 8, Section 535.030, Lines 1-4, by deleting all of said Lines and inserting in lieu thereof the following:

“535.030. 1. Such summons shall be served as in other civil cases at least four days before the court date in the summons. The summons shall include a court date which shall not be more than twenty-one business days from the date the summons is issued”; and

Further amend said Bill, Page 8, Section 535.030, Lines 7-9, by deleting all of said Lines and inserting in lieu thereof the following:

“2. In addition to attempted personal service, the plaintiff, [may request, and thereupon the clerk of the court shall make an order directing that the] officer, or other person empowered to execute the summons, [shall] **may** also serve the same by securely affixing a copy of such summons”; and

Further amend said Bill, Page 9, Section 535.030, Line 29, by inserting after the word “plaintiff”, the words

“, **officer, or other persons empowered to execute the summons,**”; and

Further amend said Bill, Page 9, Section 535.040, Lines 1-7, by deleting all of said Lines and inserting in lieu thereof the following:

“535.040. **1.** Upon return of the summons executed, the judge shall set the case on the first available court date and”; and

Further amend said Bill, Page 10, Section 535.040, Line 21, by inserting before the word “**Neither**”, the following:

“**Except for willful, wanton, or malicious acts or omissions,**”; and”

Further amend said Bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS No. 2** for **SS** for **SCS** for **SB 718**, as amended and grants the Senate a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS No. 2** for **SS** for **SCS** for **SB 718**, as amended: Senators Kennedy, Griesheimer, Goodman, Engler and Barnitz.

HOUSE BILLS ON THIRD READING

HCS for HBs 1876 and 1877, with SCS, entitled:

An Act to repeal sections 162.961 and 162.963, RSMo, and to enact in lieu thereof two new sections relating to special education due process hearings.

Was called from the Informal Calendar and taken up by Senator Mayer.

SCS for HCS for HBs 1876 and 1877, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1876 and 1877**

An Act to repeal sections 160.730, 162.720, 162.961 and 162.963, RSMo, and to enact in lieu thereof eight new sections relating to elementary and secondary education.

Was taken up.

Senator Mayer moved that **SCS for HCS for HBs 1876 and 1877** be adopted.

Senator Rupp assumed the Chair.

Senator Justus offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1876 and 1877, Page 8, Section 162.963, Line 30, by inserting after all of said line the following:

“167.018. 1. Sections 167.018 and 167.019 shall be known and may be cited as “The Foster Care Education Bill of Rights.”

2. Each school district shall designate a staff person as the educational liaison for foster care children. The liaison shall do all of the following in an advisory capacity:

(1) Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children;

(2) Assist foster care pupils when transferring from one school to another or from one school district to another, by ensuring proper transfer of credits, records, and grades;

(3) Request school records, as provided in section 167.022, within two business days of placement of a foster care pupil in a school; and

(4) Submit school records of foster care pupils within three business days of receiving a request for school records, under subdivision (3) of this subsection.

167.019. 1. A child placing agency, as defined under section 210.481, RSMo, shall promote educational stability for foster care children by considering the child's school attendance area when making placement decisions. The foster care pupil shall have the right to remain enrolled in and attend his or her school of origin pending resolution of school placement disputes.

2. Each school district shall accept for credit full or partial course work satisfactorily completed by a pupil while attending a public school, nonpublic, or nonsectarian school in accordance with district policies or regulations.

3. If a pupil completes the graduation requirements of his or her school district of residence while under the jurisdiction of the juvenile court as described in chapter 211, RSMo, the school district of residence shall issue to the pupil a diploma from the school the pupil last attended before detention or, in the alternative, the superintendent of the school district may issue the diploma.

4. School districts shall ensure that if a pupil in foster care is absent from school due to a decision to change the placement of a pupil made by a court or child placing agency, or due to a verified court appearance or related court-ordered activity, the grades and credits of the pupil shall be calculated as of the date the pupil left school, and no lowering of his or her grades shall occur as a result of the absence of the pupil under these circumstances.

5. School districts shall be authorized to permit access of pupil school records to any child placing agency for the purpose of fulfilling educational case management responsibilities required by the juvenile officer or by law and to assist with the school transfer or placement of a pupil.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

210.1050. 1. For purposes of this section, for pupils in foster care or children placed for treatment in a licensed residential care facility by the department of social services, “full school day” shall mean six hours in which the child is under the guidance and direction of teachers in the educational process.

2. Each pupil in foster care or child placed for treatment in a licensed residential care facility by the department of social services shall be entitled to a full school day of education unless the school district determines that fewer hours are warranted.

3. The commissioner of education shall designate an ombudsman to assist the family support team and the school district as they work together to meet the needs of children placed for treatment in a licensed residential care facility by the department of social services. The ombudsman shall have the final decision over discrepancies regarding school day length. A full school day of education shall be provided pending the ombudsman's final decision.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion failed.

Senator Green offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1876 and 1877, Page 8, Section 162.963, Line 30, by inserting after said line all of the following:

“163.095. For any district in the county with a charter form of government and with more than one million inhabitants that in calendar year 2005 (school year 2005-2006) erroneously set a levy in the capital projects fund rather than the incidental fund and reported the capital projects amount to the county for which the county issued tax notices and the district received taxes for calendar year

2005, the department of elementary and secondary education shall calculate the amount the district would have received in state school aid for fiscal year 2006 had the district placed the levy in the incidental fund rather than the capital projects fund and use this revised 2005-2006 calculated funding amount in the distribution of state school aid for fiscal year 2007 and subsequent years. The calculation shall not change the actual funding due the district for the 2005-2006 year.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1876 and 1877, Page 4, Section 160.820, Line 11, by inserting after all of said line the following:

“162.204. Notwithstanding any provision of law to the contrary, a school district may fulfill its statutory responsibility to maintain permanent records by maintaining or storing such records in a digital or electronic format. A school district that maintains or stores records in a digital or electronic format shall follow all guidelines, suggestions, or recommendations set forth by the manufacturer of the digital or electronic storage media. A school district shall not use or maintain digital or electronic storage media beyond the manufacturer suggested or recommended period of time.”; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Champion offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1876 and 1877, Page 8, Section 162.963, Line 30, by inserting after all of said line the following:

“Section 1. The department of health and senior services shall work to increase influenza vaccination awareness and participation among parents of children aged six months to five years in child care facilities. The official website of the department shall have information on the benefits of annual vaccination against influenza for children and its programs offered for the children. The department shall cooperate with the department of social services and department of elementary and secondary education in order to distribute the information to the parents and child care facilities effectively in August or September in every year.”; and

Further amend the title and enacting clause accordingly.

Senator Champion moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1876 and 1877, Page 8, Section 162.193, Line 30 of said page, by inserting after all of said line the following:

“Section 1. Any person who knowingly provides false information to an employee of the

retirement system created under sections 169.010 to 169.141, RSMo, or the retirement system created under sections 169.600 to 169.715, RSMo, for the purpose of obtaining retirement benefits contrary to law shall be guilty of a class D felony.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1876 and 1877, Page 8, Section 162.963, Line 30, by inserting after all of said line the following:

“167.018. 1. Sections 167.018 and 167.019 shall be known and may be cited as “The Foster Care Education Bill of Rights.”

2. Each school district shall designate a staff person as the educational liaison for foster care children. The liaison shall do all of the following in an advisory capacity:

(1) Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children;

(2) Assist foster care pupils when transferring from one school to another or from one school district to another, by ensuring proper transfer of credits, records, and grades;

(3) Request school records, as provided in section 167.022, within two business days of placement of a foster care pupil in a school; and

(4) Submit school records of foster care pupils within three business days of receiving a request for school records, under subdivision (3) of this subsection.

167.019. 1. A child placing agency, as defined under section 210.481, RSMo, shall promote educational stability for foster care children by considering the child's school attendance area when making placement decisions. The foster care pupil shall have the right to remain enrolled in and attend his or her school of origin pending resolution of school placement disputes.

2. Each school district shall accept for credit full or partial course work satisfactorily completed by a pupil while attending a public school, nonpublic, or nonsectarian school in accordance with district policies or regulations.

3. If a pupil completes the graduation requirements of his or her school district of residence while under the jurisdiction of the juvenile court as described in chapter 211, RSMo, the school district of residence shall issue to the pupil a diploma from the school the pupil last attended before detention or, in the alternative, the superintendent of the school district may issue the diploma.

4. School districts shall ensure that if a pupil in foster care is absent from school due to a decision to change the placement of a pupil made by a court or child placing agency, or due to a verified court appearance or related court-ordered activity, the grades and credits of the pupil shall be calculated as of the date the pupil left school, and no lowering of his or her grades shall occur as a result of the absence of the pupil under these circumstances.

5. School districts shall be authorized to permit access of pupil school records to any child placing

agency for the purpose of fulfilling educational case management responsibilities required by the juvenile officer or by law and to assist with the school transfer or placement of a pupil.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

210.1050. 1. For purposes of this section, for pupils in foster care or children placed for treatment in a licensed residential care facility by the department of social services, “full school day” shall mean six hours in which the child is under the guidance and direction of teachers in the educational process.

2. Each pupil in foster care or child placed for treatment in a licensed residential care facility by the department of social services shall be entitled to a full school day of education unless the school district determines that fewer hours are warranted.

3. The commissioner of education shall be an ombudsman to assist the family support team and the school district as they work together to meet the needs of children placed for treatment in a licensed residential care facility by the department of social services. The ombudsman shall have the final decision over discrepancies regarding school day length. A full school day of education shall be provided pending the ombudsman's final decision.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered SA 7, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1876 and 1877, Page 8, Section 162.963, Line 30, by inserting after said line all of the following:

“170.132. All public elementary, secondary and postsecondary schools [shall preferentially procure] **have the right to transcribe, reproduce, modify, and distribute** educational materials, including textbooks and collateral materials, [from vendors who make the materials available in either Braille format or electronic format which is computer-readable in a form approved by the department of elementary and secondary education, or both, at no greater cost than for regular materials] **in specialized formats solely for use by students with disabilities who are entitled to such formats under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, 20 U.S.C. 794.**”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

At the request of Senator Kennedy, SA 7 was withdrawn.

Senator Loudon offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1876 and 1877, Page 8, Section 162.963, Line 30, by inserting immediately after said line the following:

“170.256. 1. Each school district shall provide age-appropriate instruction for all students in grades kindergarten through twelve regarding appropriate internet usage. The goal of such instruction shall be to teach students to safely use the internet and protect themselves on the internet. Such instruction shall include when age-appropriate, but not be limited to:

(1) How to protect personal and private information from others, including passwords;

(2) Provide guidance on the safe use of email and other electronic communication methods, including but not limited to, text messages and instant messaging;

(3) The dangers of online predators and cyber harassment and current best practices for protecting children who use electronic communication methods, including but not limited to, the internet, cell phones, text messages, chat rooms, email, and instant messaging programs;

(4) How to protect oneself from, and not participate in, cyber-bullying, which, for purposes of this section, shall be defined to include, but not be limited to, the use of computers, websites, the internet, cellphones, text messaging, chat rooms, and instant messages to intimidate, humiliate, or otherwise bully a student or another person;

(5) How to behave responsibly on the internet and the importance of having open communication with responsible adults and reporting any inappropriate situation, activity or abuse to a responsible adult, and depending on intent and content, to local law enforcement, the FBI, or the CyberTipLine.

2. The department of elementary and secondary education shall propose model curriculum, including best practices, for educating children regarding child online safety. Topics shall include, but not be limited to, safe online communications, privacy protection, cyber-bullying, viewing inappropriate material, file sharing, and the importance of open communication with responsible adults.

3. The department of elementary and secondary education shall make available on its website the following information in an easy to access format:

(1) Educational materials for parents regarding internet safety for children; and

(2) Contact information and website addresses or links of reputable organizations that seek to educate individuals on internet safety for children.

The department of elementary and secondary education may consult with the department of public safety as needed to fulfill the requirements of this subsection.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 9:**

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1876 and 1877, Page 8, Section 162.963, Line 30 of said page, by inserting after all of said line the following:

“167.131. 1. The board of education of each district in this state that does not maintain an accredited school pursuant to the authority of the state board of education to classify schools as established in section 161.092, RSMo, shall pay the tuition of and provide transportation consistent with the provisions of section 167.241, RSMo, for each pupil resident therein who attends an accredited school in another district of the same or an adjoining county.

2. The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the district's grade level grouping which includes the school attended. The cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. The term “debt service”, as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost of maintaining the grade level grouping by the average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final. Subject to the limitations of this section, each pupil shall be free to attend the public school of his or her choice.

3. This section shall not apply where pursuant to section 162.1100, RSMo, the powers of the board of education of the district where the pupil resides have been vested, in whole or in part, in a special administrative board.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted.

At the request of Senator Mayer, **HCS** for **HBs 1876** and **1877**, with **SCS** and **SA 9** (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Engler moved that the Senate refuse to concur in **HCS** for **SCS** for **SBs 1181, 1100, 1262** and **1263**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 885**, entitled:

With House Amendments Nos. 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 885, Section 210.861, Page 3, Line 73 by inserting after all of said Line the following:

“Section 1. 1. There is hereby created within the department of social services the “Missouri State Foster Care and Adoption Advisory Board”, which shall provide an independent review of policies and procedures related to the provision of foster care and adoption in Missouri and make recommendations to improve the provision of foster care and adoption services to children statewide. The board will be comprised of a minimum of fourteen foster, adoptive, and career foster parents as

follows:

(1) Two of the members shall represent each other of the seven children's division areas of the state of Missouri delineated as follows:

- (a) The northwest region;**
- (b) The northeast region;**
- (c) The southeast region;**
- (d) The southwest region;**
- (e) The Kansas City region;**
- (f) The St. Louis area region;**
- (g) The St. Louis City region;**

(2) Area members will be selected by local foster care and adoption advisory boards or similar entities in a manner of their choosing.

2. Foster care and adoption association representatives will be voting members of the board as approved by the board.

3. All members of the board shall serve for a term of at least two years. Members may be re-selected to the board by their entities for consecutive terms. All vacancies on the board shall be filled for the balance of the unexpired term in the same manner in which the board membership which is vacant was originally filled.

4. Each member of the board may be reimbursed for actual and necessary expenses incurred by the member in performance of his or her official duties. All reimbursements made pursuant to this subsection shall be made from funds within the children's division budget.

5. All business transaction of the board shall be conducted in public meetings in accordance with sections 610.010 to 610.030, RSMo.

6. The board shall elect officers from the membership consisting of a chairperson, co-chairperson, and secretary. Officers shall serve for a term of two years. The board may elect such other officers and establish such committees as it deems appropriate.

7. The board shall establish such procedures necessary to review children's division proposed policy and provide written responses to the children's division indicating any comments or concerns within thirty days of receipt of the proposed policy.

8. The board shall establish such communication procedures necessary to provide written suggestions to the children's division for improvements in foster care or adoption practice, and to respond to requests from the children's division for assistance with such problems.

9. The board shall provide upon request of the director of the department of social services, the Governor, or the legislature, a written report of annual activities conducted and recommendations made.

10. The board shall exercise its powers and duties independently of the department of social services children's division except that budgetary, procurement, accounting, and other related

management functions shall be performed by the children's division.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 885, Section 210.891, Page 3, Line 73 by inserting after all of said Line the following:

“210.890. 1. The community children's services fund and any other state family services agency established in Missouri shall operate with the understanding that it is the natural fundamental right of the parents and legal guardians of unemancipated minors to determine and direct the care, health care, teaching, and education of their children.

2. A parent or legal guardian of an unemancipated minor shall have the right to make all health care decisions for such unemancipated minor; except that, such right shall not be construed to supersede or otherwise infringe upon any applicable restrictions imposed by state law.

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 885, Page 1, In the Title, Line 2, by deleting the words “one new section” and inserting in lieu thereof the words “two new sections”; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the words “one new section” and inserting in lieu thereof the words “two new sections”; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word and the number “section 210.861,” and inserting in lieu thereof the following: “sections 210.861 and 491.725”; and

Further amend said bill, Page 193, Section 490.715, Line 33, by inserting after all of said line the following:

“491.725. 1. This section shall be known and may be cited as the “Children's Bill of Courtroom Rights”.

2. As used in this section, the following terms shall mean:

(1) “Child”, a person seventeen years of age or under who is a witness in any judicial proceeding under chapters 452 or 453, RSMo, or the alleged victim or witness in any judicial proceeding under chapters 455, 565, 566, or 568, RSMo. “Victim” or “witness” shall not include any child accused of committing a felony; however, these terms may, in the court's discretion, include:

(a) A child where such child's participation in a felony appears to have been induced, coerced, or unwilling; or

(b) A child who has participated in the felony, but who has subsequently and voluntarily agreed to testify on behalf of the state.

(2) “Comfort item”, a favorite toy, stuffed animal, blanket, or any other object whose presence helps the child calm himself or herself;

(3) “Support person”, an adult who is known to the child victim or witness and with whom the child feels comfortable, whose purpose will be to provide emotional support to the child and to promote the child's feelings of security and safety.

3. In order to facilitate testimony that is fair and accurate, and in order to protect children from confusing practices while testifying in court, the following children's bill of courtroom rights shall apply to all children testifying in court:

(1) A child victim or witness testifying at a judicial proceeding has the right to understand the oath which is being administered to such child. Whether at a competency hearing or trial itself, the judge shall ensure that any oath that is required of a child shall be administered in a developmentally appropriate manner;

(2) A child victim or witness testifying at a judicial proceeding has the right to understand all the questions asked of such child. Accordingly, the court shall take special care to ensure that questions are stated in a form which is appropriate to the age of the child. The court shall explain to the child that if he or she does not understand a question, the child has the right to say that he or she does not understand the question;

(3) A child victim or witness has a right to testify at a time of day when such child is best able to understand the questions and otherwise handle the stresses of testifying. Accordingly, in the court's discretion, the taking of testimony may be limited in duration or limited to normal school hours. The court may order a recess when the energy, comfort, or attention span of the child warrants;

(4) A child victim or witness testifying at or attending a judicial proceeding has a right to a comfort item. The court, at its discretion, may place any reasonable limitations on the size or type of comfort item;

(5) A child victim or witness testifying at or attending a judicial proceeding has a right to the presence of a support person designated by the child victim or witness and approved by the court. The court, at its discretion, may allow the support person to remain in close physical proximity to or in contact with the child while the child testifies, provided such person shall not obscure the child from the view of the defendant or the trier of fact. A support person shall not provide the child with an answer to any question directed to the child during the course of the child's testimony or otherwise prompt the child. If the support person attempts to influence or affect in any manner the testimony of the child victim or witness during the giving of testimony or at any other time, the court shall exclude that support person and allow the child victim or witness to designate another attendant;

(6) A child victim or witness testifying at a judicial proceeding has a right to be questioned in a manner that is neither intimidating nor frightening. Accordingly, the attorneys shall ask questions or pose objections in a manner which is not intimidating to the child and shall not engage in conduct that a child may interpret as an angry confrontation. The court shall take every reasonable means necessary to prevent intimidation or harassment of the child by the parties or their attorneys. The judge may rephrase any question so that the child is not intimidated; and

(7) A child victim or witness testifying at a judicial proceeding has a right to be comfortable when testifying. Accordingly, upon its own motion or the motion of a party, the court may order such accommodations as are appropriate under the circumstances to ensure the comfort of the child victim or witness, including the following measures:

- (a) Adjusting the layout of the courtroom;**
- (b) Conducting the proceedings outside the normal courtroom; or**
- (c) Relaxing the formalities of the proceedings.”; and**

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend Senate Bill No. 885, Page 1, In the Title, Line 2, by deleting the phrase “one new section” and inserting in lieu thereof the phrase “two new sections”; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the phrase “one new section” and inserting in lieu thereof the phrase “two new sections”; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word and number “section 210.861” and inserting in lieu thereof the following: “sections 210.861 and 210.862”; and

Further amend said bill, Page 3, Section 210.861, Line 71, by inserting after the number “6.” the following: **“In addition to the authorized expenditures under subsection 5 of this section, the board may authorize that moneys in the fund be used to fund the tuition and fee waivers awarded under section 210.862.**

7.”; and

Further amend said bill, Page 3, Section 210.861, Line 73, by inserting after all of said line the following:

“210.862. 1. The coordinating board for higher education shall make provisions for institutions under the board's jurisdiction to award a tuition and fee waiver for undergraduate courses at state institutions of higher education for any student, beginning with incoming freshmen in the 2009 fall semester or term, who:

(1) Is a resident of this state;

(2) Has graduated within the previous three years from high school or passed the GED examination; and

(3) Has been in foster care or other residential care under the department of social services on or after:

(a) The day preceding the student's eighteenth birthday;

(b) The day of the student's fourteenth birthday, if the student was also eligible for adoption on or after that day; or

(c) The day the student graduated from high school or received a GED.

2. To be eligible for a waiver award, a student shall:

(1) Apply to and be accepted at the institution not later than:

(a) The third anniversary of the date the student was discharged from foster or other residential care, the date the student graduated from high school, or the date the student received a GED, whichever is earliest; or

(b) The student's twenty-first birthday;

(2) Apply for other student financial assistance, other than student loans, in compliance with federal financial aid rules, including the federal Pell grant;

(3) Apply to the coordinating board for higher education for a determination of eligibility. Application shall be on forms and in a manner prescribed by rule of the coordinating board; and

(4) Complete a minimum of one hundred hours of community service or public internship within a twelve-month period beginning September first for each year in which the student is receiving a tuition and fee waiver award under this section. The department of higher education, in collaboration with participating state institutions of higher education, shall by rule determine the community service and public internships that students may participate in to meet the requirements of this subdivision. A student may fulfill this requirement by completing the necessary community service or public internship hours during the summer.

3. The tuition and fee waiver provided by this section shall be awarded on an annual basis, subject to appropriation and the availability of funds under subsection 6 of section 210.861, and shall continue to be available, if the student is otherwise eligible under this section, as long as the student remains in good academic standing at the state institution of higher education. The institution shall monitor compliance with subdivision (4) of subsection 2 of this section and report it to the department of higher education.

4. The waiver provided by this section for each eligible student may be used for no more than four years of undergraduate study and may only be used after other sources of financial aid that are dedicated solely to tuition and fees are exhausted.

5. No student who is enrolled in an institution of higher education as of the effective date of this section shall be eligible for a waiver award under this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 1081**, entitled:

An Act to repeal sections 210.900, 210.903, 210.906, 210.909, 210.915, 210.921, 210.927, 537.037, 630.045, 630.050, 630.140, 630.165, 630.167, 630.170, 630.175, 632.005, 632.440, and 633.005, RSMo, and to enact in lieu thereof twenty-three new sections relating to quality assurance and safety in the division of mental retardation and developmental disabilities community programs, with penalty provisions and an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1040**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS No. 2** for **SS** for **SCS** for **SB 718**, as amended. Representatives: Pearce, Richard, Flook, Storch and Brown (50).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SJR 45**.

Joint Resolution ordered enrolled.

PRIVILEGED MOTIONS

Senator Graham moved that the Senate refuse to concur in House Amendment Nos. 1, 2, 3 and 4 to **SB 885** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Kennedy moved that the Senate conferees be allowed to exceed the differences on **HCS No. 2** for **SS** for **SCS** for **SB 718**, as amended, which motion prevailed.

Senator Coleman moved that the Senate request the House of Representatives grant further conference on **HCS** for **SCS** for **SB 720**, as amended, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Stouffer moved that the **CCR** on **HCS** for **SCS** for **SBs 930** and **947** be taken up, which motion prevailed.

Senator Stouffer moved the adoption of the **CCR**, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Coleman	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Loudon	Mayer	McKenna	Nodler	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senators

Bartle	Bray	Lager	Purgason—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Stouffer, **CCS** for **HCS** for **SCS** for **SBs 930** and **947**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 930 and 947

An Act to repeal sections 144.030, 144.805, 155.010, 233.155, 238.202, 238.207, 238.210, 301.010, 301.130, 302.010, 302.060, 302.177, 302.304, 302.309, 302.341, 302.525, 302.720, 302.735, 304.015, 304.130, 304.180, 304.230, 305.230, 577.023, 577.041, 577.600, 577.602, 577.612, and 590.050, RSMo, and to enact in lieu thereof fifty-two new sections relating to transportation, with penalty provisions and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Champion	Clemens	Coleman	Crowell	Days	Dempsey	Engler
Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy	Koster
Loudon	Mayer	McKenna	Nodler	Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson—29			

NAYS—Senators

Bartle	Bray	Callahan	Lager	Purgason—5
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 2590**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HJR 70** to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Rupp assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator Engler moved that **HCS** for **HB 1763**, with **SS, SA 5** and **SA 2 to SA 5** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 2 to SA 5 was again taken up.

Senator Smith moved that the above amendment be adopted, which motion failed.

SA 5 was again taken up.

Senator Loudon offered **SSA 1** for **SA 5**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 5**

Amend Senate Substitute for House Committee Substitute for House Bill No. 1763, Page 4, Section 116.190, Line 16, by inserting after “dollars or both.” the following:

“4. Any petition circulator who intentionally and maliciously misrepresents a petition to a potential signer shall, upon conviction thereof, be guilty of an offense relating to forgery under subsection 1 of this section and a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.”

Senator Loudon moved that the above substitute amendment be adopted.

At the request of Senator Engler, **HCS** for **HB 1763**, with **SS, SA 5** and **SSA 1** for **SA 5** (pending), was placed on the Informal Calendar.

CONFERENCE COMMITTEE REPORTS

Senator Goodman moved that the **CCR** on **HCS** for **SCS** for **SB 765** be taken up, which motion prevailed.

Senator Goodman moved the adoption of the **CCR**.

At the request of Senator Goodman, the above motion was withdrawn.

Senator Lager assumed the Chair.

PRIVILEGED MOTIONS

Senator Callahan moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 1209**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Goodman moved that **CCR** on **HCS** for **SCS** for **SB 765** be taken up, which motion prevailed.

Senator Goodman moved the adoption of the **CCR**.

At the request of Senator Goodman, the above motion was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **SB 885**, as amended and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SCS** for **SB 931**, as amended and has taken up and passed **CCS** for **HCS** for **SS** for **SCS** for **SB 931**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SBs 1181, 1100, 1262 and 1263**, as amended and grants the Senate a conference thereon and the conferees be allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** as amended for **HB 1678** and has taken up and passed **SS** for **HB 1678**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** as amended for **HCS** for **HB 2034** and has taken up and passed **SCS** for **HCS** for **HB 2034**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SBs 1181, 1100, 1262 and 1263**, as amended. Representatives: Wright, Schoeller, Emery, Walsh and Skaggs.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SB 885**, as amended. Representatives: Cooper (120), Franz, Davis, Yaeger and Baker (25).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House conferees on **HCS No. 2** for **SS** for **SCS** for **SB 718**, as amended are allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **HCS** for **SCS** for **SB 720** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 720**, as amended. Representatives: Smith (150), Schoeler, Emery, Skaggs and Walsh.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SBs 1181, 1100, 1262 and 1263**, as amended: Senators Engler, Clemens, Goodman, Bray and Coleman.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 720**, as amended: Senators Engler, Dempsey, Lager, Coleman and Barnitz.

CONFERENCE COMMITTEE REPORTS

Senator Goodman moved that **CCR** on **HCS** for **SCS** for **SB 765** be taken up, which motion prevailed.

Senator Goodman moved the adoption of the **CCR**, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Vogel—1

Vacancies—None

On motion of Senator Goodman, **CCS** for **HCS** for **SCS** for **SB 765**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 765

An Act to repeal section 72.080, RSMo, and to enact in lieu thereof one new section relating to incorporation of municipalities, with an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Bartle	Green	Purgason—3
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NAYS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Wilson—30		

Absent—Senators—None

Absent with leave—Senator Vogel—1

Vacancies—None

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Shoemyer offered Senate Resolution No. 2759, regarding Kristin Jacobs, Kirksville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Loudon introduced to the Senate, Tom Fiala, and his son Cal, Chesterfield; Denny Dirksen and his son Alex, Fenton; and Tyler Bealke and Harley Sorkin; and Cal, Alex, Tyler and Harley were made

honorary pages.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTIETH DAY—FRIDAY, MAY 16, 2008

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)

SB 1099-Graham
SS#2 for SCS for SBs 1021 & 870-Loudon

HOUSE BILLS ON THIRD READING

HCS for HJR 48 (Scott)
HCS for HB 2321, with SCS (Crowell)
HCS for HJR 41, with SCS (Rupp)
HB 1320-Brown (50) (Dempsey)

HCS for HB 1332, with SCS (Goodman)
HCS for HJR 70 (In Fiscal Oversight)
HB 2590-Moore, et al, with SCS (Goodman)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS
SB 713-Gibbons, with SCS
SB 716-Loudon, et al
SB 717-Kennedy and Shields
SB 729-Griesheimer, with SCS
SB 749-Ridgeway, with SCS
SB 756-Engler and Rupp, with SCS
(pending)
SB 776-Justus and Koster, with SCS
SB 809-Stouffer, with SCS, SS for SCS &
SA 1 (pending)
SB 811-Stouffer, with SCS, SA 1 & point
of order (pending)

SB 815-Goodman
SB 821-Shoemyer, with SCS (pending)
SBs 840 & 857-Engler, with SCS & SS for
SCS (pending)
SB 861-Shoemyer, with SCS
SB 874-Graham, with SCS
SB 877-Mayer
SB 881-Green
SB 904-Griesheimer, with SCS
SBs 909, 954, 934 & 1003-Engler, with SCS
SB 915-Ridgeway
SB 917-Goodman, et al
SB 929-Green and Callahan, with SCS

SB 957-Goodman
SBs 982, 834 & 819-Purgason, with SCS
SB 990-Champion
SBs 993 & 770-Crowell, with SCS, SS for
SCS, SA 4 & SSA 1 for SA 4 (pending)
SB 996-Crowell, with SCS
SB 997-Crowell
SB 1000-Justus
SB 1007-Loudon, with SA 2 (pending)
SB 1035-Scott, with SCS
SB 1046-Mayer, with SA 1 & SSA 1 for
SA 1 (pending)
SB 1052-Rupp
SB 1054-Dempsey, with SCS
SB 1057-Scott, with SCS
SB 1058-Mayer
SB 1067-Ridgeway, et al
SB 1077-Goodman, with SS (pending)

SB 1093-Loudon, et al
SB 1094-Loudon, with SCS
SB 1101-Bray, et al
SB 1103-Gibbons
SB 1138-McKenna, with SCS
SB 1158-Mayer, with SCS
SB 1164-Loudon
SB 1180-Crowell
SB 1183-Bray, with SCS
SB 1194-Goodman
SB 1197-Crowell
SBs 1234 & 1270-Shields, with SCS & SS#2
for SCS (pending)
SB 1240-Dempsey
SB 1244-Barnitz and Purgason
SB 1275-Vogel
SB 1278-Shields
SJR 43-Loudon

HOUSE BILLS ON THIRD READING

HCS for HB 1314, with SCS (Callahan)
HCS for HBs 1321 & 1695, with SCS (Gibbons)
HB 1358-Flook, et al (Mayer)
HCS for HB 1393 (Ridgeway)
HCS#2 for HB 1423, with SCS (Goodman)
HCS#2 for HB 1463, with SCS
HCS for HB 1474, with SCS (Scott)
HCS for HB 1516, with SCS (Goodman)
HB 1532-Davis, with SCS (Rupp)
HCS for HB 1546 (Purgason)
HCS for HBs 1595 & 1668 (Mayer)
HB 1617-Cunningham (86), et al (Dempsey)
HCS for HB 1626 (Ridgeway)
HB 1656-Nance and Cooper (155), with SCS
(Stouffer)
HB 1661-LeVota, et al (Ridgeway)
HCS for HB 1700, with SCS (Scott)
HB 1711-Weter, et al, with SCS, SS#2 for
SCS & SA 10 (pending) (Clemens)
HB 1716-Guest, et al (Purgason)
HCS for HB 1722, with SCS, SS for SCS &
SA 21 (pending) (Mayer)

HCS for HB 1763, with SS, SA 5 & SSA 1
for SA 5 (pending) (Engler)
HCS for HBs 1788 & 1882 (Crowell)
HB 1805-Schaaf, et al (Purgason)
HCS for HBs 1831 & 1472 (Mayer)
HCS for HBs 1876 & 1877, with SCS & SA 9
(pending) (Mayer)
HCS for HB 1904, with SCS (Goodman)
HB 1923-Jones (117) and Pratt (Barnitz)
HB 1937-Pearce, et al, with SCS (Scott)
HB 1973-Franz, with SCS (Engler)
HB 1983-Pratt, with SCS (Goodman)
HB 1995-Schieffer, et al (Rupp)
HCS for HB 2041, with SCS (Scott)
HCS for HBs 2062 & 1518, with SCS
(Stouffer)
HCS for HB 2068 (Scott)
SS for SCS for HB 2081-Dougherty
(Callahan) (In Fiscal Oversight)
HCS for HB 2104, HB 1574, HB 1706, HCS
for HB 1774, HB 2055 & HCS for HB 2056,
with SCS (Crowell)

HB 2226-Muschany (Rupp)
HCS for HJR 43, with SCS (Gibbons)

HCS for HJR 55 (Crowell)

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)
HB 1670-Cooper (120) (Dempsey)
HB 1828-Sutherland (Vogel)
HB 1410-Flook, et al (Ridgeway)
HCS for HB 1888 (Clemens)
HB 1368-Thomson (Lager)
HB 1869-Wilson (130), et al (Goodman)

HB 2213-Kraus, et al (Shields)
HB 1354-Wilson (119), et al (Scott)
HCS for HB 1575 (Vogel)
HB 1952-Loehner, et al (Barnitz)
HB 1887-Parson (Scott)
HCS for HB 2360 (Lager)
HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin (Ridgeway)
HB 2233-Page, et al (Shields)

HB 1419-Portwood (Loudon)
HB 1791-Cooper (155), et al (Barnitz)

Reported 4/15

HCS for HB 1380 (Goodman)
HCS for HB 2036 (Stouffer)
HB 1849-Pratt and Curls (Justus)
HB 1469-Pratt (Goodman)
HB 1710-Flook (Ridgeway)

HCS for HB 1783 (Engler)
HB 1784-Meadows, et al (McKenna)
HB 1313-Wright, et al (Mayer)
HCS for HB 1893 (Dempsey)
HB 1881-Schlottach (Kennedy)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 723-Scott, with HCS
SB 733-Champion and Gibbons, with HCS
SCS for SBs 753, 728, 906 & 1026-Mayer,
with HCS
SCS for SB 781-Smith, with HCS#2, as
amended
SB 797-Bray, with HCS, as amended
SB 820-Rupp, with HCS

SB 856-Engler, with HCS
SB 932-Loudon, with HCS, as amended
SB 943-Clemens, with HCS
SB 978-Griesheimer, with HCS
SB 1002-Justus, et al, with HCS
SCS for SB 1008-Loudon, with HCS
SCS for SB 1033-Griesheimer, with HCS
SCS for SB 1039-Clemens, with HCS

SCS for SB 1081-Nodler and Green, with HCS
SCS for SB 1131-Wilson, with HCS
SB 1135-Callahan, with HCS

SCS for SBs 1153, 1154, 1155 &
1156-Crowell, with HCS
SCS for SB 1170-Mayer, with HCS, as amended

**BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES**

In Conference

SS for SCS for SB 711-Gibbons, et al,
with HCS, as amended (Senate adopted
CCR and passed CCS)
SS for SCS for SB 718-Kennedy, with HCS#2,
as amended
SCS for SB 720-Coleman, with HCS, as
amended (Further conference granted)
SCS for SB 765-Goodman, et al, with HCS
(Senate adopted CCR and passed CCS)
SB 841-Stouffer, with HCS, as amended
SB 885-Graham, with HA 1, HA 2, HA 3, & HA 4
SCS for SBs 930 & 947-Stouffer, with
HCS, as amended (Senate adopted CCR
and passed CCS)

SB 976-Ridgeway, with HCS#2, as amended
SB 1068-Mayer, with HA 1 & HA 3
SB 1074-Dempsey, with HCS, as amended
SCS for SBs 1181, 1100, 1262 &
1263-Engler, with HCS, as amended
SB 1288-Shields, with HCS, as amended
HCS for HBs 1549, 1771, 1395 & 2366,
with SS, as amended (Rupp)
HB 2224-Jones (117), with SS for SCS
(Griesheimer)
HCS for HB 2279, with SCS, as amended
(Engler)

Requests to Recede or Grant Conference

SCS for SB 901-Loudon, et al, with HSA 1
for HA 1 (Senate requests House
recede and pass bill)

SCS for SB 1209-Callahan, with HCS, as
amended (Senate requests House
recede or grant conference)

RESOLUTIONS

Reported from Committee

SCR 27-Champion
SCR 32-Purgason
SCR 33-Bray
HCR 7-Pearce, et al (Rupp)
HCR 23-Dixon, et al, with SCA 1 (Loudon)
HCR 4-Wright, et al (Mayer)
HCR 5-Smith, et al
HCR 16-Bivins, et al (Stouffer)

HCR 18-Fisher, et al (Scott)
HCR 19-Sander, et al (Rupp)
HCS for HCR 21 (Rupp)
HCR 25-Pratt, et al (Ridgeway)
HCR 26-Dixon, et al (Clemens)
HCR 34-Sutherland
HCR 35-Sutherland
HCS for HCRs 43 & 46 (Rupp)

Journal of the Senate

SECOND REGULAR SESSION

SEVENTIETH DAY—FRIDAY, MAY 16, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“We must work the works of him who sent me while it is day; night is coming when no one can work.” (John 9:4)

Wondrous God, we are mindful of the work that must be done by the end of this day and it increases our stress and the complexity of the day. As the time runs out and the final bills are perfected we are thankful for the help You have provided us and the guidance that has been given. We are thankful for the way the Senate has worked this year and the collegiality it has shown one another. We are thankful for those senators who have given of their time and talents and themselves to the people of Missouri and now must leave the Senate. We pray for them as they pursue new adventures and service that they may be successful and effective. And finally Lord we thank You for them and the time we have shared with them and the good work they now complete. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Kennedy assumed the Chair.

RESOLUTIONS

Senator Nodler offered Senate Resolution No. 2760, regarding Gary and Donna Hall, Joplin, which was adopted.

Senator Mayer offered Senate Resolution No. 2761, regarding William John “Will” Dougherty, III, Mill Spring, which was adopted.

Senator Crowell offered Senate Resolution No. 2762, regarding Amber Dawn Rhoda, Chaffee, which was adopted.

Senator Crowell offered Senate Resolution No. 2763, regarding Zachary Scott Robert Wachter, Chaffee, which was adopted.

Senator Crowell offered Senate Resolution No. 2764, regarding Lacy Welker, Marble Hill, which was adopted.

Senator Crowell offered Senate Resolution No. 2765, regarding Jenna Hahs, Sedgewickville, which was adopted.

Senator Crowell offered Senate Resolution No. 2766, regarding Alexandra Owens, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 2767, regarding Nicole L. Gremaud, Perryville, which was adopted.

Senator Bray offered Senate Resolution No. 2768, regarding Robert L. Behnken, which was adopted.

Senator Green offered Senate Resolution No. 2769, regarding Zella Williams, which was adopted.

Senator Crowell offered Senate Resolution No. 2770, regarding Andrea Lianne Schreiner, Oak Ridge, which was adopted.

Senator Crowell offered Senate Resolution No. 2771, regarding Mandy Sue Tucker, Oak Ridge, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 788**.

With House Amendments Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 788, Page 2, Section A, Line 27 by inserting after said line the following:

“21.840. 1. There is established a joint committee of the general assembly to be known as the “Joint Committee on Preneed Funeral Contracts” to be composed of seven members of the senate and

seven members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired. No party shall be represented by more than four members from the house of representatives nor more than four members from the senate. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.

2. The joint committee shall:

(1) Make a comprehensive study and analysis of the consumer and economic impact on the preneed funeral contract industry in the state of Missouri;

(2) Determine from its study and analysis the need for changes in statutory law; and

(4) Make any other recommendation to the general assembly relating to its findings.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives.

4. The committee may meet at locations other than Jefferson City when the committee deems it necessary.

5. The committee shall be staffed by legislative personnel as is deemed necessary to assist the committee in the performance of its duties.

6. The members of the committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

7. It shall be the duty of the committee to compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than January 31, 2009, and shall include any recommendations which the committee may have for legislative action as well as any recommendations for administrative or procedural changes in the internal management or organization of state or local government agencies and departments. Copies of the report containing such recommendations shall be sent to the appropriate directors of state or local government agencies or departments included in the report.

8. The provisions of this section shall expire on January 31, 2009.”; and

Further amend said bill, Page13, Section148.330, Line 68 by inserting after said line the following:

“194.119. 1. As used in this section, the term “right of sepulcher” means the right to choose and control the burial, cremation, or other final disposition of a dead human body.

2. For purposes of this chapter and chapters 193, 333, and 436, RSMo, and in all cases relating to the custody, control, and disposition of deceased human remains, including the common law right of sepulcher, where not otherwise defined, the term “next-of-kin” means the following persons in the priority listed if such person is eighteen years of age or older, is mentally competent, and is willing to assume responsibility for the costs of disposition:

(1) An attorney in fact designated in a durable power of attorney wherein the deceased specifically granted the right of sepulcher over his or her body to such attorney in fact;

(2) The surviving spouse;

[(2)] (3) Any surviving child of the deceased. If a surviving child is less than eighteen years of age and has a legal or natural guardian, such child shall not be disqualified on the basis of the child's age and such child's legal or natural guardian, if any, shall be entitled to serve in the place of the child unless such child's legal or natural guardian was subject to an action in dissolution from the deceased. In such event the person or persons who may serve as next-of-kin shall serve in the order provided in subdivisions **[(3)] (4)** to (8) of this subsection;

[(3)] (4) (a) Any surviving parent of the deceased; or

(b) If the deceased is a minor, a surviving parent who has custody of the minor; or

(c) If the deceased is a minor and the deceased's parents have joint custody, the parent whose residence is the minor child's residence for purposes of mailing and education;

[(4)] (5) Any surviving sibling of the deceased;

[(5)] Any person designated by the deceased to act as next-of-kin pursuant to a valid designation of right of sepulcher as provided in subsection 8 of this section;]

(6) The next nearest surviving relative of the deceased by consanguinity or affinity;

(7) Any person or friend who assumes financial responsibility for the disposition of the deceased's remains if no next-of-kin assumes such responsibility;

(8) The county coroner or medical examiner; provided however that such assumption of responsibility shall not make the coroner, medical examiner, the county, or the state financially responsible for the cost of disposition.

3. The next-of-kin of the deceased shall be entitled to control the final disposition of the remains of any dead human being consistent with all applicable laws, including all applicable health codes.

4. A funeral director or establishment is entitled to rely on and act according to the lawful instructions of any person claiming to be the next-of-kin of the deceased; provided however, in any civil cause of action against a funeral director or establishment licensed pursuant to this chapter for actions taken regarding the funeral arrangements for a deceased person in the director's or establishment's care, the relative fault, if any, of such funeral director or establishment may be reduced if such actions are taken in reliance upon a person's claim to be the deceased person's next-of-kin.

5. Any person who desires to exercise the right of sepulcher and who has knowledge of an individual or individuals with a superior right to control disposition shall notify such individual or individuals prior to making final arrangements.

6. If an individual with a superior claim is personally served with written notice from a person with an inferior claim that such person desires to exercise the right of sepulcher and the individual so served does not object within forty-eight hours of receipt, such individual shall be deemed to have waived such right. An individual with a superior right may also waive such right at any time if such waiver is in writing and dated.

7. If there is more than one person in a class who are equal in priority and the funeral director has no knowledge of any objection by other members of such class, the funeral director or establishment shall be entitled to rely on and act according to the instructions of the first such person in the class to make arrangements; provided that such person assumes responsibility for the costs of disposition and no other person in such class provides written notice of his or her objection.

[8. Any person may designate an individual to be his or her closest next-of-kin, regardless of blood or marital relationship, by means of a written instrument that is signed, dated, and verified. Such designation of right of sepulcher shall be witnessed by two persons, and shall contain the names and last known address of each person entitled to be next-of-kin but for the execution of the designation of right of sepulcher and who are higher in priority than the person so designated.]

333.011. As used in this chapter, unless the context requires otherwise, the following terms have the meanings indicated:

(1) “Board”, the state board of embalmers and funeral directors created by this chapter;

(2) “Embalmer”, any individual licensed to engage in the practice of embalming;

(3) “Funeral director”, any individual licensed to engage in the practice of funeral directing;

(4) “Funeral establishment”, a building, place, crematory, or premises devoted to or used in the care and preparation for burial or transportation of the human dead and includes every building, place or premises maintained for that purpose or held out to the public by advertising or otherwise to be used for that purpose;

(5) “Person” includes a corporation, partnership or other type of business organization;

(6) “Practice of embalming”, the work of preserving, disinfecting and preparing by arterial embalming, [or otherwise,] **including the chemical preparation of a dead human body for disposition. Practice of embalming includes all activities leading up to and including arterial and cavity embalming, including but not limited to raising of vessels and suturing of incisions** of dead human bodies for funeral services, transportation, burial or cremation, or the holding of oneself out as being engaged in such work;

(7) “Practice of funeral directing”, engaging by an individual in the business of preparing, otherwise than by embalming, for the burial, disposal or transportation out of this state of, and the directing and supervising of the burial or disposal of, dead human bodies or engaging in the general control, supervision or management of the operations of a funeral establishment.

334.500. As used in sections 334.500 to 334.685, the following terms mean:

(1) “Board”, the state board of registration for the healing arts in the state of Missouri;

(2) “Physical therapist assistant”, a person who is licensed as a physical therapist assistant by the board or a person who was actively engaged in practice as a physical therapist assistant on August 28, 1993;

(3) “Physical therapist”, a person who is licensed to practice physical therapy;

(4) “**Practice of physical therapy**”, the examination, treatment and instruction of human beings to assess, prevent, correct, alleviate and limit physical disability, movement dysfunction, bodily malfunction and pain from injury, disease and any other bodily condition, such term includes, but is not limited to, the administration, interpretation and evaluation of physical therapy tests and measurements of bodily functions and structures; the planning, administration, evaluation and modification of treatment and instruction,

including the use of physical measures, activities and devices, for preventive and therapeutic purposes; and the provision of consultative, educational, research and other advisory services for the purpose of reducing the incidence and severity of physical disability, movement dysfunction, bodily malfunction and pain does not include the use of surgery or obstetrics or the administration of x-radiation, radioactive substance, diagnostic x-ray, diagnostic laboratory electrocautery, electrosurgery or invasive tests or the prescribing of any drug or medicine or the administration or dispensing of any drug or medicine other than a topical agent administered or dispensed upon the direction of a physician. Physical therapists may perform electromyography and nerve conduction tests but may not interpret the results of the electromyography or nerve conduction test. Physical therapists shall practice physical therapy within the scope of their education and training as provided in sections 334.500 to 334.620.”; and

Further amend said bill, Page 59, Section 334.400, Line 35 by inserting after said line the following:

“334.506. 1. [Nothing in this chapter shall prevent a physical therapist, whose license is in good standing, from providing educational resources and training, developing fitness or wellness programs for asymptomatic persons, or providing screening or consultative services within the scope of physical therapy practice without the prescription and direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing, except that no physical therapist shall initiate treatment for a new injury or illness without the prescription or direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing.

2. Nothing in this chapter shall prevent a physical therapist, whose license is in good standing, from examining and treating, without the prescription and direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing, any person with a recurring, self-limited injury within one year of diagnosis by a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing, or any person with a chronic illness that has been previously diagnosed by a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing, except that a physical therapist shall contact the patient's current physician, chiropractor, dentist, or podiatrist, within seven days of initiating physical therapy services, pursuant to this subsection, shall not change an existing physical therapy referral available to the physical therapist without approval of the patient's current physician, chiropractor, dentist, or podiatrist, and shall refer to a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist practicing

in another jurisdiction, whose license is in good standing, any patient whose medical condition should, at the time of examination or treatment, be determined to be beyond the scope of practice of physical therapy. A physical therapist shall refer to a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or as a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing, any person whose condition, for which physical therapy services are rendered pursuant to this subsection, has not been documented to be progressing toward documented treatment goals after six visits or fourteen days, whichever shall come first. If the person's condition for which physical therapy services are rendered under this subsection shall be documented to be progressing toward documented treatment goals, a physical therapist may continue treatment without referral from a physician, chiropractor, dentist or podiatrist, whose license is in good standing. If treatment rendered under this subsection is to continue beyond thirty days, a physical therapist shall notify the patient's current physician, chiropractor, dentist, or podiatrist before continuing treatment beyond the thirty-day limitation. A physical therapist shall also perform such notification before continuing treatment rendered under this subsection for each successive period of thirty days.] **As used in this section, "approved health care provider" means a person holding a current and active license as a physician and surgeon under this chapter, a chiropractor under chapter 331, RSMo, a dentist under chapter 332, RSMo, a podiatrist under chapter 330, RSMo, a physician assistant under this chapter, or any licensed and registered physician, chiropractor, dentist, or podiatrist practicing in another jurisdiction whose license is in good standing.**

2. A physical therapist shall not initiate treatment for a new injury or illness without a prescription from an approved health care provider.

3. A physical therapist may provide educational resources and training, develop fitness or wellness programs for asymptomatic persons, or provide screening or consultative services within the scope of physical therapy practice without the prescription and direction of an approved health care provider.

4. A physical therapist may examine and treat without the prescription and direction of an approved health care provider any person with a recurring self-limited injury within one year of diagnosis by an approved health care provider or a chronic illness that has been previously diagnosed by an approved health care provider. The physical therapist shall:

(1) Contact the patient's current approved health care provider within seven days of initiating physical therapy services under this subsection;

(2) Not change an existing physical therapy referral available to the physical therapist without approval of the patient's current approved health care provider;

(3) Refer to an approved health care provider any patient whose medical condition at the time of examination or treatment is determined to be beyond the scope of practice of physical therapy;

(4) Refer to an approved health care provider any patient whose condition for which physical therapy services are rendered under this subsection has not been documented to be progressing toward documented treatment goals after six visits or fourteen days, whichever first occurs;

(5) Notify the patient's current approved health care provider prior to the continuation of treatment if treatment rendered under this subsection is to continue beyond thirty days. The physical

therapist shall provide such notification for each successive period of thirty days.

[3.] **5.** The provision of physical therapy services of evaluation and screening pursuant to this section shall be limited to a physical therapist, and any authority for evaluation and screening granted within this section may not be delegated. Upon each reinitiation of physical therapy services, a physical therapist shall provide a full physical therapy evaluation prior to the reinitiation of physical therapy treatment. Physical therapy treatment provided pursuant to the provisions of subsection [2] **4** of this section, may be delegated by physical therapists to physical therapist assistants only if the patient's current [physician, chiropractor, dentist, or podiatrist] **approved health care provider** has been so informed as part of the physical therapist's seven-day notification upon reinitiation of physical therapy services as required in subsection [2] **4** of this section. Nothing in this subsection shall be construed as to limit the ability of physical therapists or physical therapist assistants to provide physical therapy services in accordance with the provisions of this chapter, and upon the referral of [a physician and surgeon licensed pursuant to this chapter, a chiropractor pursuant to chapter 331, RSMo, a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing] **an approved health care provider**. Nothing in this subsection shall prohibit [a person licensed or registered as a physician or surgeon licensed pursuant to this chapter, a chiropractor pursuant to chapter 331, RSMo, a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing,] **an approved health care provider** from acting within the scope of their practice as defined by the applicable chapters of RSMo.

[4.] **6.** No person licensed to practice, or applicant for licensure, as a physical therapist or physical therapist assistant shall make a medical diagnosis.

7. A physical therapist shall only delegate physical therapy treatment to a physical therapist assistant or to a person in an entry level of a professional education program approved by the Commission for Accreditation of Physical Therapists and Physical Therapist Assistant Education (CAPTE) who satisfy supervised clinical education requirements related to the person's physical therapist or physical therapist assistant education. The entry level person shall be under onsite supervision of a physical therapist.

334.525. 1. Notwithstanding any other provision of law to the contrary, any person licensed as a physical therapist or physical therapist assistant under this chapter may apply to the state board of registration for the healing arts for an inactive license status on a form furnished by the board. Upon receipt of the completed inactive status application form and the board's determination that the licensee meets the requirements established by the board by rule, the board shall declare the licensee inactive and shall place the licensee on an inactive status list. A person whose license is inactive or who has discontinued his or her practice because of retirement shall not practice his or her profession within this state. Such person may continue to use the title of his or her profession or the initials of his or her profession after such person's name.

2. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of his or her intention, paying the appropriate fees, and meeting all established requirements of the board as a condition of reinstatement.

334.530. 1. A candidate for license to practice as a physical therapist shall be at least twenty-one years of age. A candidate shall furnish evidence of such person's good moral character and the person's

educational qualifications by submitting satisfactory evidence of completion of a program of physical therapy education approved as reputable by the board. A candidate who presents satisfactory evidence of the person's graduation from a school of physical therapy approved as reputable by the American Medical Association or, if graduated before 1936, by the American Physical Therapy Association, or if graduated after 1988, the Commission on Accreditation for Physical Therapy Education or its successor, is deemed to have complied with the educational qualifications of this subsection.

2. Persons desiring to practice as physical therapists in this state shall appear before the board at such time and place as the board may direct and be examined as to their fitness to engage in such practice. Applications for examination shall be in writing, on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications set forth in subsection 1 of this section. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the [person signing the statement] **applicant**, subject to the penalties of making a false affidavit or declaration.

3. [The board shall not issue a permanent license to practice as a physical therapist or allow any person to sit for the Missouri state board examination for physical therapists who has failed three or more times any physical therapist licensing examination administered in one or more states or territories of the United States or the District of Columbia.

4. The board may waive the provisions of subsection 3 if the applicant has met one of the following provisions:

(1) The applicant is licensed and has maintained an active clinical practice for the previous three years in another state of the United States, the District of Columbia or Canada and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States, the District of Columbia and no license issued to the applicant has been disciplined or limited in any state or territory of the United States, the District of Columbia or Canada;

(2) The applicant has failed the licensure examination three times or more and then obtains a professional degree in physical therapy at a level higher than previously completed, the applicant can sit for the licensure examination three additional times.

5.] The examination of qualified candidates for licenses to practice physical therapy shall [include a written examination and shall embrace the subjects taught in reputable programs of physical therapy education, sufficiently strict to test the qualifications of the candidates as practitioners] **test entry-level competence as related to physical therapy theory, examination and evaluation, physical therapy diagnosis, prognosis, treatment, intervention, prevention, and consultation.**

[6.] 4. The examination shall embrace, in relation to the human being, the subjects of anatomy, chemistry, kinesiology, pathology, physics, physiology, psychology, physical therapy theory and procedures as related to medicine, surgery and psychiatry, and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice physical therapy.

5. The applicant shall pass a test administered by the board on the laws and rules related to the practice of physical therapy in Missouri.

334.540. 1. The board shall issue a license to any physical therapist who [is licensed] **possesses an active license** in another jurisdiction and who has had no violations, suspensions or revocations of a license to practice physical therapy in any jurisdiction, provided that, such person is licensed in a jurisdiction whose

requirements are substantially equal to, or greater than, the requirements for licensure of physical therapists in Missouri at the time the applicant applies for licensure.

2. Every applicant for a license pursuant to this section, upon making application and showing the necessary qualifications as provided in subsection 1 of this section, shall be required to pay the same fee as the fee required to be paid by applicants who apply to take the examination before the board. Within the limits provided in this section, the board may negotiate reciprocal compacts with licensing boards of other states for the admission of licensed practitioners from Missouri in other states.

3. [Notwithstanding the provisions of subsections 1 and 2 of this section, the board shall not issue a license to any applicant who has failed three or more times any physical therapist licensing examination administered in one or more states or territories of the United States or the District of Columbia.

4. The board may waive the provisions of subsection 3 if the applicant has met one of the following provisions:

(1) The applicant is licensed and has maintained an active clinical practice for the previous three years in another state of the United States, the District of Columbia or Canada and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States, the District of Columbia and no license issued to the applicant has been disciplined or limited in any state or territory of the United States, the District of Columbia or Canada;

(2) The applicant has failed the licensure examination three times or more and then obtains a professional degree in physical therapy at a level higher than previously completed, the applicant can sit for the licensure examination three additional times] **The applicant shall pass a test administered by the board on the laws and rules related to practice of physical therapy in Missouri.**

334.550. 1. An applicant who has not been previously examined in **this state or** another jurisdiction and meets the qualifications of subsection 1 of section 334.530, **or an applicant applying for reinstatement of an inactive license under a supervised active practice,** may pay a temporary license fee and submit an agreement-to-supervise form, which is signed by the applicant's supervising physical therapist, to the board and obtain without examination a nonrenewable temporary license. Such temporary licensee may only engage in the practice of physical therapy under the supervision of a licensed physical therapist. **The supervising physical therapist shall hold an unencumbered license to practice physical therapy in this state and shall provide the board proof of active clinical practice in this state for a minimum of one year prior to supervising a temporary licensee. The supervising physical therapist shall not be an immediate family member of the applicant.** The board shall define **immediate family member** and the scope of such supervision by rules and regulations. **The supervising physical therapist for the first-time examinee applicant shall submit to the board a signed notarized form prescribed by the board attesting that the applicant for temporary license shall begin employment at a location in this state within seven days of issuance of the temporary license. The supervising physical therapist shall notify the board within three days if the temporary licensee's employment ceases. A licensed physical therapist shall not supervise more than one temporary licensee.**

2. The temporary license **for the first-time examinee applicant** shall expire on [either] the date the applicant receives the results of the applicant's initial examination, **the date the applicant withdraws from sitting for the examination, the date the board is notified by the supervising physical therapist that the temporary licensee's employment has ceased,** or within ninety days of its issuance, whichever occurs first.

3. The temporary license for the reinstatement applicant under the supervised active practice shall expire effective one year from the date of issuance.

334.560. The board shall charge each person who applies for examination for a license to practice as a physical therapist an examination fee. Should the examination prove unsatisfactory and the board refuse to issue a license thereon, the applicant failing to pass the examination may reapply [and return to any meeting] and be examined upon payment of a reexamination fee[; but no temporary license may be issued to such persons].

334.570. 1. Every person licensed under sections 334.500 to 334.620 shall, on or before the registration renewal date, apply to the board for a certificate of registration for the ensuing licensing period. The application shall be made **under oath** on a form furnished to the applicant [and shall state] **by the board. The application shall include, but not be limited to, disclosure of the following:**

(1) The applicant's full name [and the address at which the person practices and the address at which the person resides and the date and number of such person's license];

(2) **The applicant's office address or addresses and telephone number or numbers;**

(3) **The applicant's home address and telephone number;**

(4) **The date and number of the applicant's license;**

(5) **All final disciplinary actions taken against the applicant by any professional association or society, licensed hospital or medical staff of a hospital, physical therapy facility, state, territory, federal agency or county; and**

(6) **Information concerning the applicant's current physical and mental fitness to practice his or her profession.**

The applicant may be required to successfully complete a test administered by the board on the laws and rules related to the practice of physical therapy. The test process, dates, and passing scores shall be established by the board by rule.

2. A [blank form] **notice** for application for registration shall be [mailed] **made available** to each person licensed in this state [at the person's last known address of practice or residence]. The failure to [mail the form of application or the failure to receive it] **receive the notice** does not, however, relieve any person of the duty to register and pay the fee required by sections 334.500 to 334.620 nor exempt such person from the penalties provided by sections 334.500 to 334.620 for failure to register.

3. If a physical therapist does not renew such license for two consecutive renewal periods, such license shall be deemed void.

4. Each applicant for registration shall accompany the application for registration with a registration fee to be paid to the director of revenue for the licensing period for which registration is sought.

5. If the application is filed and the fee paid after the registration renewal date, a delinquent fee shall be paid; except that, whenever in the opinion of the board the applicant's failure to register is caused by extenuating circumstances including illness of the applicant, as defined by rule, the delinquent fee may be waived by the board.

6. Upon application and submission by such person of evidence satisfactory to the board that such

person is licensed to practice in this state and upon the payment of fees required to be paid by this chapter, the board shall issue to such person a certificate of registration. The certificate of registration shall contain the name of the person to whom it is issued and his or her office address, the expiration date, and the number of the license to practice.

7. Upon receiving such certificate, every person shall cause the certificate to be readily available or conspicuously displayed at all times in every practice location maintained by such person in the state. If the licensee maintains more than one practice location in this state, the board shall, without additional fee, issue to such licensee duplicate certificates of registration for each practice location so maintained. If any licensee changes practice locations during the period for which any certificate of registration has been issued, the licensee shall, within fifteen days thereafter, notify the board of such change and the board shall issue to the licensee, without additional fee, a new registration certificate showing the new location.

8. Whenever any new license is granted to any physical therapist or physical therapist assistant under the provisions of this chapter, the board shall, upon application therefore, issue to such physical therapist or physical therapist assistant a certificate of registration covering a period from the date of the issuance of the license to the next renewal date without the payment of any registration fee.

334.601. The board shall set the amount of the fees which this chapter authorizes and requires by rule. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

334.602. 1. Physical therapists and physical therapist assistants shall provide documentation in order that an adequate and complete patient record can be maintained. All patient records shall be legible and available for review and shall include at a minimum documentation of the following information:

- (1) Identification of the patient, including name, birthdate, address, and telephone number;
- (2) The date or dates the patient was seen;
- (3) The current status of the patient, including the reason for the visit;
- (4) Observation of pertinent physical findings;
- (5) Assessment and clinical impression of physical therapy diagnosis;
- (6) Plan of care and treatment;
- (7) Documentation of progress toward goals;
- (8) Informed consent;
- (9) Discharge summary.

2. Patient records remaining under the care, custody, and control of the licensee shall be maintained by the licensee of the board, or the licensee's designee, for a minimum of seven years from the date of when the last professional service was provided.

3. Any correction, addition, or change in any patient record shall be clearly marked and identified as such, and the date, time, and name of the person making the correction, addition, or change shall be included, as well as the reason for the correction, addition, or change.

4. The board shall not obtain a patient medical record without written authorization from the patient to obtain the medical record or the issuance of a subpoena for the patient medical record.

334.610. Any person who holds himself or herself out to be a physical therapist or a licensed physical therapist within this state or any person who advertises as a physical therapist or claims that the person can render physical therapy services and who, in fact, does not hold a valid physical therapist license is guilty of a class B misdemeanor and, upon conviction, shall be punished as provided by law. Any person who, in any manner, represents himself or herself as a physical therapist, or who uses in connection with such person's name the words or letters "physical therapist", "physiotherapist", "registered physical therapist", "**doctor of physical therapy**", "P.T.", "Ph.T.", "P.T.T.", "R.P.T.", "**D.P.T.**", "**M.P.T.**", or any other letters, words, abbreviations or insignia, indicating or implying that the person is a physical therapist without a valid existing license as a physical therapist issued to such person pursuant to the provisions of sections 334.500 to 334.620, is guilty of a class B misdemeanor. Nothing in sections 334.500 to 334.620 shall prohibit any person licensed in this state under chapter 331, RSMo, from carrying out the practice for which the person is duly licensed, or from advertising the use of physiologic and rehabilitative modalities; nor shall it prohibit any person licensed or registered in this state under section 334.735 or any other law from carrying out the practice for which the person is duly licensed or registered; nor shall it prevent professional and semiprofessional teams, schools, YMCA clubs, athletic clubs and similar organizations from furnishing treatment to their players and members. This section, also, shall not be construed so as to prohibit masseurs and masseuses from engaging in their practice not otherwise prohibited by law and provided they do not represent themselves as physical therapists. This section shall not apply to physicians and surgeons licensed under this chapter or to a person in an entry level of a professional education program approved by the commission for accreditation of physical therapists and physical therapist assistant education (CAPTE) who is satisfying supervised clinical education requirements related to the person's physical therapist or physical therapist assistant education while under on-site supervision of a physical therapist; or to a physical therapist who is practicing in the United States Armed Services, United States Public Health Service, or Veterans Administration under federal regulations for state licensure for health care providers.

334.611. Notwithstanding any other provision of law to the contrary, any qualified physical therapist who is legally authorized to practice under the laws of another state may practice as a physical therapist in this state without examination by the board or payment of any fee if such practice consists solely of the provision of gratuitous services provided for a summer camp or teaching or participating in a continuing educational seminar for a period not to exceed fourteen days in any one calendar year. Nothing in sections 334.500 to 334.625 shall be construed to prohibit isolated or occasional gratuitous service to and treatment of the afflicted or to prohibit physical therapists from other nations, states, or territories from performing their duties for their respective teams or organizations during the course of their teams' or organizations' stay in this state.

334.612. 1. If the board finds merit to a complaint by an individual incarcerated or under the care and control of the department of corrections and takes further investigative action, no documentation shall appear on file or disciplinary action shall be taken in regards to the licensee's license unless the provisions of subsection 2 of section 334.613 have been violated. Any case file documentation that does not result in the board filing an action under subsection 2 of section 334.613 shall be destroyed within three months after the final case disposition by the board. No notification to any other licensing board in another state or any national registry regarding any investigative action shall be made unless the

provisions of subsection 2 of section 334.613 have been violated.

2. Upon written request of the physical therapist or physical therapist assistant subject to a complaint prior to August 28, 1999, by an individual incarcerated or under the care and control of the department of corrections that did not result in the board filing an action described in subsection 2 of section 334.613, the board and the division of professional registration shall in a timely fashion:

(1) Destroy all documentation regarding the complaint;

(2) If previously notified of the complaint, notify any other licensing board in another state or any national registry regarding the board's actions; and

(3) Send a letter to the licensee that clearly states that the board found the complaint to be unsubstantiated, that the board has taken the requested action, and notify the licensee of the provisions of subsection 3 of this section.

3. Any person who has been the subject of an unsubstantiated complaint as provided in subsection 1 or 2 of this section shall not be required to disclose the existence of such complaint in subsequent applications or representations relating to their practice.

334.613. 1. The board may refuse to issue or renew a license to practice as a physical therapist or physical therapist assistant for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo. As an alternative to a refusal to issue or renew a license to practice as a physical therapist or physical therapist assistant, the board may, at its discretion, issue a license which is subject to probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of a license to practice as a physical therapist or physical therapist assistant who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of a physical therapist or physical therapist assistant;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of a physical therapist or physical therapist assistant, for any offense an essential element of which is fraud, dishonesty, or an act of

violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit, or license issued under this chapter or in obtaining permission to take any examination given or required under this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or unprofessional conduct in the performance of the functions or duties of a physical therapist or physical therapist assistant, including but not limited to the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for sessions of physical therapy which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion, or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment or services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience, or licensure to perform such responsibilities;

(e) Misrepresenting that any disease, ailment, or infirmity can be cured by a method, procedure, treatment, medicine, or device;

(f) Performing services which have been declared by board rule to be of no physical therapy value;

(g) Final disciplinary action by any professional association, professional society, licensed hospital or medical staff of the hospital, or physical therapy facility in this or any other state or territory, whether agreed to voluntarily or not, and including but not limited to any removal, suspension, limitation, or restriction of the person's professional employment, malpractice, or any other violation of any provision of this chapter;

(h) Administering treatment without sufficient examination, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional physical therapy practice;

(I) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while a physical therapist or physical therapist assistant/patient relationship exists; making sexual advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a sexual nature with patients or clients;

(j) Terminating the care of a patient without adequate notice or without making other arrangements for the continued care of the patient;

(k) Failing to furnish details of a patient's physical therapy records to treating physicians, other physical therapists, or hospitals upon proper request; or failing to comply with any other law relating to physical therapy records;

(l) Failure of any applicant or licensee, other than the licensee subject to the investigation, to cooperate with the board during any investigation;

(m) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;

(n) Failure to timely pay license renewal fees specified in this chapter;

(o) Violating a probation agreement with this board or any other licensing agency;

(p) Failing to inform the board of the physical therapist's or physical therapist assistant's current telephone number, residence, and business address;

(q) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physical therapist or physical therapist assistant. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation, or association which issues or conducts such advertising;

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence, or repeated negligence in the performance of the functions or duties of a physical therapist or physical therapist assistant. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule adopted under this chapter;

(7) Impersonation of any person licensed as a physical therapist or physical therapist assistant or allowing any person to use his or her license or diploma from any school;

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation, or other final disciplinary action against a physical therapist or physical therapist assistant for a license or other right to practice as a physical therapist or physical therapist assistant by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including but not limited to the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of physical therapy while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice who is not licensed and currently eligible to practice under this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice physical therapy who is not licensed and currently eligible to practice under this chapter;

(11) Issuance of a license to practice as a physical therapist or physical therapist assistant based upon a material mistake of fact;

(12) Failure to display a valid license pursuant to practice as a physical therapist or physical therapist assistant;

(13) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any document executed in connection with the practice of physical therapy;

(14) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of physical therapy services for all patients, or the qualifications of an individual person or persons to render, or perform physical therapy services;

(15) Using, or permitting the use of, the person's name under the designation of “physical therapist”, “physiotherapist”, “registered physical therapist”, “P.T.”, “Ph.T.”, “P.T.T.”, “D.P.T.”, “M.P.T.” or “R.P.T.”, “physical therapist assistant”, “P.T.A.”, “L.P.T.A.”, “C.P.T.A.”, or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

(16) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment under chapter 208, RSMo, or chapter 630, RSMo, or for payment from Title XVIII or Title XIX of the federal Medicare program;

(17) Failure or refusal to properly guard against contagious, infectious, or communicable diseases or the spread thereof; maintaining an unsanitary facility or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in any physical therapy facility to the board, in writing, within thirty days after the discovery thereof;

(18) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant, paying or offering to pay a referral fee or, notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon under this chapter, as a physician assistant under this chapter, as a chiropractor under chapter 331, RSMo, as a dentist under chapter 332, RSMo, as a podiatrist under chapter 330, RSMo, or any licensed and registered physician, chiropractor, dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing;

(19) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant, treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.685;

(20) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by a physician who is authorized by law to do so;

(21) Failing to maintain adequate patient records under 334.602;

(22) Attempting to engage in conduct that subverts or undermines the integrity of the licensing examination or the licensing examination process, including but not limited to utilizing in any manner recalled or memorized licensing examination questions from or with any person or entity, failing to comply with all test center security procedures, communicating or attempting to communicate with any other examinees during the test, or copying or sharing licensing examination questions or portions of questions;

(23) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant who requests, receives, participates or engages directly or indirectly in the division,

transferring, assigning, rebating or refunding of fees received for professional services or profits by means of a credit or other valuable consideration such as wages, an unearned commission, discount or gratuity with any person who referred a patient, or with any relative or business associate of the referring person;

(24) Being unable to practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients by reasons of incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. The following shall apply to this subdivision:

(a) In enforcing this subdivision the board shall, after a hearing by the board, upon a finding of probable cause, require a physical therapist or physical therapist assistant to submit to a reexamination for the purpose of establishing his or her competency to practice as a physical therapist or physical therapist assistant conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the pattern and practice of such physical therapist's or physical therapist assistant's professional conduct, or to submit to a mental or physical examination or combination thereof by a facility or professional approved by the board;

(b) For the purpose of this subdivision, every physical therapist and physical therapist assistant licensed under this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board;

(c) In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a physical therapist, physical therapist assistant or applicant without the physical therapist's, physical therapist assistant's or applicant's consent;

(d) Written notice of the reexamination or the physical or mental examination shall be sent to the physical therapist or physical therapist assistant, by registered mail, addressed to the physical therapist or physical therapist assistant at the physical therapist's or physical therapist assistant's last known address. Failure of a physical therapist or physical therapist assistant to submit to the examination when directed shall constitute an admission of the allegations against the physical therapist or physical therapist assistant, in which case the board may enter a final order without the presentation of evidence, unless the failure was due to circumstances beyond the physical therapist's or physical therapist assistant's control. A physical therapist or physical therapist assistant whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that the physical therapist or physical therapist assistant can resume the competent practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients;

(e) In any proceeding under this subdivision neither the record of proceedings nor the orders entered by the board shall be used against a physical therapist or physical therapist assistant in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(f) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the disciplinary measures set forth in subsection 3 of this section.

3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure or place the physical therapist or physical therapist assistant named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years;

(2) Suspend the physical therapist's or physical therapist assistant's license for a period not to exceed three years;

(3) Restrict or limit the physical therapist's or physical therapist assistant's license for an indefinite period of time;

(4) Revoke the physical therapist's or physical therapist assistant's license;

(5) Administer a public or private reprimand;

(6) Deny the physical therapist's or physical therapist assistant's application for a license;

(7) Permanently withhold issuance of a license;

(8) Require the physical therapist or physical therapist assistant to submit to the care, counseling or treatment of physicians designated by the board at the expense of the physical therapist or physical therapist assistant to be examined;

(9) Require the physical therapist or physical therapist assistant to attend such continuing educational courses and pass such examinations as the board may direct.

4. In any order of revocation, the board may provide that the physical therapist or physical therapist assistant shall not apply for reinstatement of the physical therapist's or physical therapist assistant's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

5. Before restoring to good standing a license issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

6. In any investigation, hearing or other proceeding to determine a physical therapist's, physical therapist assistant's or applicant's fitness to practice, any record relating to any patient of the physical therapist, physical therapist assistant, or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such physical therapist, physical therapist assistant, applicant, record custodian, or patient might otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant, or record custodian may withhold records or testimony bearing upon a physical therapist's, physical therapist assistant's, or applicant's fitness to practice on the ground of privilege between such physical therapist, physical therapist assistant, applicant, or record custodian and a patient.

334.614. 1. Notwithstanding any other provisions of section 620.010, RSMo, to the contrary, the board shall at least quarterly publish a list of the names and addresses of all physical therapists and

physical therapist assistants who hold licenses under the provisions of this chapter, and shall publish a list of all physical therapists and physical therapist assistants whose licenses have been suspended, revoked, surrendered, restricted, denied, or withheld.

2. Notwithstanding any other provisions of section 620.010, RSMo, to the contrary, in addition, the board shall prepare and make available to the public a report upon the disciplinary matters submitted to them where the board recommends disciplinary action, except in those instances when physical therapists and physical therapist assistants possessing licenses voluntarily enter treatment and monitoring programs for purposes of rehabilitation and, in such instances, only such specific action shall not be reported with any other actions taken prior to, as part of, or following voluntary entrance into such treatment programs. The report shall set forth findings of fact and any final disciplinary actions of the board. If the board does not recommend disciplinary action, a report stating that no action is recommended shall be prepared and forwarded to the complaining party.

334.615. 1. Upon receipt of information that the holder of any license as a physical therapist or physical therapist assistant issued under this chapter may present a clear and present danger to the public health and safety, the executive director shall direct that the information be brought to the board in the form of sworn testimony or affidavits during a meeting of the board.

2. The board may issue an order suspending or restricting the holder of a license as a physical therapist or physical therapist assistant if it believes:

(1) The licensee's acts, conduct, or condition may have violated subsection 2 of section 334.613; and

(2) A licensee is practicing, attempting, or intending to practice in Missouri; and

(3) (a) A licensee is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to the extent that the licensee's condition or actions significantly affect the licensee's ability to practice; or

(b) Another state, territory, federal agency, or country has issued an order suspending or restricting the physical therapist's or physical therapist assistant's right to practice his or her profession; or

(c) The licensee has engaged in repeated acts of life-threatening negligence as defined in subsection 2 of section 334.613; and

(4) The acts, conduct, or condition of the licensee constitute a clear and present danger to the public health and safety.

3. (1) The order of suspension or restriction:

(a) Shall be based on the sworn testimony or affidavits presented to the board;

(b) May be issued without notice and hearing to the licensee;

(c) Shall include the facts which lead the board to conclude that the acts, conduct, or condition of the licensee constitute a clear and present danger to the public health and safety.

(2) The board or the administrative hearing commission shall serve the licensee, in person or by certified mail, with a copy of the order of suspension or restriction and all sworn testimony or affidavits presented to the board, a copy of the complaint and the request for expedited hearing, and

a notice of the place of and the date upon which the preliminary hearing will be held.

(3) The order of restriction shall be effective upon service of the documents required in subdivision (2) of this subsection.

(4) The order of suspension shall become effective upon the entry of the preliminary order of the administrative hearing commission.

(5) The licensee may seek a stay order from the circuit court of Cole County from the preliminary order of suspension, pending the issuance of a final order by the administrative hearing commission.

4. The board shall file a complaint in the administrative hearing commission with a request for expedited preliminary hearing and shall certify the order of suspension or restriction and all sworn testimony or affidavits presented to the board. Immediately upon receipt of a complaint filed under this section, the administrative hearing commission shall set the place and date of the expedited preliminary hearing which shall be conducted as soon as possible, but not later than five days after the date of service upon the licensee. The administrative hearing commission shall grant a licensee's request for a continuance of the preliminary hearing; however, the board's order shall remain in full force and effect until the preliminary hearing, which shall be held not later than forty-five days after service of the documents required in subdivision (2) of subsection 3 of this section.

5. At the preliminary hearing, the administrative hearing commission shall receive into evidence all information certified by the board and shall only hear evidence on the issue of whether the board's order of suspension or restriction should be terminated or modified. Within one hour after the preliminary hearing, the administrative hearing commission shall issue its oral or written preliminary order, with or without findings of fact and conclusions of law, that adopts, terminates, or modifies the board's order. The administrative hearing commission shall reduce to writing any oral preliminary order within five business days, but the effective date of the order shall be the date orally issued.

6. The preliminary order of the administrative hearing commission shall become a final order and shall remain in effect for three years unless either party files a request for a full hearing on the merits of the complaint filed by the board within thirty days from the date of the issuance of the preliminary order of the administrative hearing commission.

7. Upon receipt of a request for full hearing, the administrative hearing commission shall set a date for hearing and notify the parties in writing of the time and place of the hearing. If a request for full hearing is timely filed, the preliminary order of the administrative hearing commission shall remain in effect until the administrative hearing commission enters an order terminating, modifying, or dismissing its preliminary order or until the board issues an order of discipline following its consideration of the decision of the administrative hearing commission under section 621.110, RSMo, and subsection 3 of section 334.100.

8. In cases where the board initiates summary suspension or restriction proceedings against a physical therapist or physical therapist assistant licensed under this chapter, and such petition is subsequently denied by the administrative hearing commission, in addition to any award made under sections 536.085 and 536.087, RSMo, the board, but not individual members of the board, shall pay actual damages incurred during any period of suspension or restriction.

9. Notwithstanding the provisions of this chapter or chapter 610, RSMo, or chapter 621, RSMo, to the contrary, the proceedings under this section shall be closed and no order shall be made public

until it is final, for purposes of appeal.

10. The burden of proving the elements listed in subsection 2 of this section shall be upon the state board of registration for the healing arts.

334.616. 1. A license issued under this chapter by the Missouri state board of registration for the healing arts shall be automatically revoked at such time as the final trial proceedings are concluded whereby a licensee has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony criminal prosecution under the laws of the state of Missouri, the laws of any other state, or the laws of the United States of America for any offense reasonably related to the qualifications, functions or duties of their profession, or for any felony offense, an essential element of which is fraud, dishonesty or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed, or, upon the final and unconditional revocation of the license to practice their profession in another state or territory upon grounds for which revocation is authorized in this state following a review of the record of the proceedings and upon a formal motion of the state board of registration for the healing arts. The license of any such licensee shall be automatically reinstated if the conviction or the revocation is ultimately set aside upon final appeal in any court of competent jurisdiction.

2. Anyone who has been denied a license, permit, or certificate to practice in another state shall automatically be denied a license to practice in this state. However, the board of healing arts may set up other qualifications by which such person may ultimately be qualified and licensed to practice in Missouri.

334.617. 1. Upon application by the board and the necessary burden having been met, a court of general jurisdiction may grant an injunction, restraining order, or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a license is required by chapters 334.500 to 334.687 upon a showing that such acts or practices were performed or offered to be performed without a license; or

(2) Engaging in any practice or business authorized by a license issued under chapters 334.500 to 334.687 upon a showing that the holder presents a substantial probability of serious danger to the health, safety, or welfare of any resident of the state or client or patient of the licensee.

2. Any such action shall be commenced in the county in which such conduct occurred or in the county in which the defendant resides or Cole County.

3. Any action brought under this section shall be in addition to and not in lieu of any penalty provided by chapters 334.500 to 334.687 and may be brought concurrently with other actions to enforce chapters 334.500 to 334.687.

334.618. Upon receiving information that any provision of sections 334.500 to 334.687 has been or is being violated, the executive director of the board or other person designated by the board shall investigate, and upon probable cause appearing, the executive director shall, under the direction of the board, file a complaint with the administrative hearing commission or appropriate official or court. All such complaints shall be handled as provided by rule promulgated under subdivision (6) of subsection 16 of section 620.010, RSMo.

334.650. 1. After January 1, 1997, no person shall hold himself or herself out as being a physical therapist assistant in this state unless the person is licensed as provided in sections 334.650 to 334.685.

2. A licensed physical therapist shall direct and supervise a physical therapist assistant [at all times. The licensed physical therapist shall have the responsibility of supervising the physical therapy treatment program]. **The physical therapist shall retain ultimate authority and responsibility for the physical therapy treatment. The licensed physical therapist shall have the responsibility of supervising the physical therapy treatment program.** No physical therapist may establish a treating office in which the physical therapist assistant is the primary care provider. No licensed physical therapist shall have under their direct supervision more than four **full-time equivalent** physical therapist assistants.

334.655. 1. A candidate for licensure to practice as a physical therapist assistant shall be at least nineteen years of age. A candidate shall furnish evidence of the person's good moral character and of the person's educational qualifications. The educational requirements for licensure as a physical therapist assistant are:

(1) A certificate of graduation from an accredited high school or its equivalent; and

(2) Satisfactory evidence of completion of an associate degree program of physical therapy education accredited by the commission on accreditation of physical therapy education.

2. Persons desiring to practice as a physical therapist assistant in this state shall appear before the board at such time and place as the board may direct and be examined as to the person's fitness to engage in such practice. Applications for examination shall be [in writing,] on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications provided in subsection 1 of this section. Each application shall contain a statement that the statement is made under oath of affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the statement, subject to the penalties of making a false affidavit or declaration.

3. The examination of qualified candidates for licensure to practice as physical therapist assistants shall embrace [a written] **an** examination [and] which shall cover the curriculum taught in accredited associate degree programs of physical therapy assistant education. Such examination shall be sufficient to test the qualification of the candidates as practitioners.

4. [The board shall not issue a license to practice as a physical therapist assistant or allow any person to sit for the Missouri state board examination for physical therapist assistants who has failed three or more times any physical therapist licensing examination administered in one or more states or territories of the United States or the District of Columbia.

5. The board may waive the provisions of subsection 4 if the applicant has met one of the following provisions: the applicant is licensed and has maintained an active clinical practice for the previous three years in another state of the United States, the District of Columbia or Canada and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States, the District of Columbia and no license issued to the applicant has been disciplined or limited in any state or territory of the United States, the District of Columbia or Canada.

6.] The examination shall include, as related to the human body, the subjects of anatomy, kinesiology, pathology, physiology, psychology, physical therapy theory and procedures as related to medicine and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice as a physical therapist assistant.

5. The applicant shall pass a test administered by the board on the laws and rules related to the practice as a physical therapist assistant in this state.

[7.] **6.** The board shall license without examination any legally qualified person who is a resident of this state and who was actively engaged in practice as a physical therapist assistant on August 28, 1993. The board may license such person pursuant to this subsection until ninety days after the effective date of this section.

[8.] **7.** A candidate to practice as a physical therapist assistant who does not meet the educational qualifications may submit to the board an application for examination if such person can furnish written evidence to the board that the person has been employed in this state for at least three of the last five years under the supervision of a licensed physical therapist and such person possesses the knowledge and training equivalent to that obtained in an accredited school. The board may license such persons pursuant to this subsection until ninety days after rules developed by the state board of healing arts regarding physical therapist assistant licensing become effective.

334.660. 1. The board shall license without examination legally qualified persons who [hold] **possess active** certificates of licensure, registration or certification in any state or territory of the United States or the District of Columbia, who have had no violations, suspensions or revocations of such license, registration or certification, if such persons have passed [a written] **an** examination to practice as a physical therapist assistant that was substantially equal to the examination requirements of this state and in all other aspects, including education, the requirements for such certificates of licensure, registration or certification were, at the date of issuance, substantially equal to the requirements for licensure in this state.

2. [The board shall not issue a license to any applicant who has failed three or more times any physical therapist assistant licensing examination administered in one or more states or territories of the United States or the District of Columbia.

3. The board may waive the provisions of subsection 1 if the applicant has met one of the following provisions: the applicant is licensed and has maintained an active clinical practice for the previous three years in another state of the United States, the District of Columbia or Canada and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States, the District of Columbia and no license issued to the applicant has been disciplined or limited in any state or territory of the United States, the District of Columbia or Canada.

4.] Every applicant for a license pursuant to this section, upon making application and providing documentation of the necessary qualifications as provided in this section, shall pay the same fee required of applicants to take the examination before the board. Within the limits of this section, the board may negotiate reciprocal contracts with licensing boards of other states for the admission of licensed practitioners from Missouri in other states.

3. The applicant shall successfully pass a test administered by the board on the laws and rules related to practice as a physical therapist assistant in this state.

334.665. **1.** An applicant who has not been previously examined in another jurisdiction and meets the qualifications of subsection 1 of section 334.655 **or an applicant applying for reinstatement of an inactive license under a supervised active practice** may pay a temporary license fee and submit an agreement-to-supervise form which is signed by the applicant's supervising physical therapist to the board and obtain without examination a nonrenewable temporary license. Such temporary licensee may only

practice under the supervision of a licensed physical therapist. **The supervising physical therapist shall hold an unencumbered license to practice physical therapy in the state of Missouri and shall provide the board proof of active clinical practice in the state of Missouri for a minimum of one year prior to supervising the temporary licensee. The supervising physical therapist shall not be an immediate family member of the applicant. The board shall define immediate family member and the scope of such supervision by rule. The supervising physical therapist for the first-time examinee applicant shall submit to the board a signed notarized form prescribed by the board attesting that the applicant for temporary license shall begin employment at a location in this state within seven days of issuance of the temporary license. The supervising physical therapist shall notify the board within three days if the temporary licensee's employment ceases.** A licensed physical therapist shall supervise no more than one temporary licensee. [The board shall define the scope of such supervision by rules and regulations.]

2. The temporary license **for the first-time examinee applicant** shall expire on [either] the date the applicant receives the results of the applicant's initial examination, **the date the applicant withdraws from sitting for the examination, the date the board is notified by the supervising physical therapist that the temporary licensee's employment has ceased,** or within ninety days of its issuance, whichever occurs first.

3. **The temporary license for the reinstatement applicant under the supervised active practice shall expire effective one year from the date of issuance.**

334.670. The board shall charge a person, who applies for examination for a license to practice as a physical therapist assistant, an examination fee. If the person does not score a passing grade on the examination, the board may refuse to issue a license. Any applicant who fails to pass the examination may reapply and be reexamined upon payment of a reexamination fee. [No temporary license may be issued to any person who has previously failed the examination in Missouri or any other state or jurisdiction.]

334.675. 1. Every person licensed pursuant to sections 334.650 to 334.685 shall, on or before the licensing renewal date, apply to the board for a certificate of licensure for the next licensing period. The application for renewal shall be made **under oath** on a form furnished to the applicant [and shall state] **by the board. The application shall include, but not be limited to, disclosure of the following:**

(1) The applicant's full name [and the address at which the applicant practices and the address at which the applicant resides and];

(2) **The applicant's office address or addresses and telephone number or numbers;**

(3) **The applicant's home address and telephone number;**

(4) The date and number of the applicant's license;

(5) **All final disciplinary actions taken against the applicant by any professional association or society, licensed hospital or medical staff of the hospital, physical therapy facility, state, territory, federal agency or country; and**

(6) **Information concerning the applicant's current physical and mental fitness to practice the applicant's profession.**

The applicant may be required to successfully complete a test administered by the board on the laws and rules related to the practice of physical therapy in this state. The test process, dates, and passing scores shall be established by the board by rule.

2. A [blank application form] **notice** shall be [mailed] **made available** to each person licensed in this state [pursuant to sections 334.650 to 334.685 at the person's last known address of practice or residence. The failure to mail the application for or the failure to receive the application form]. **The failure to receive the notice** does not relieve any person of the duty to renew the person's license and pay the renewal fee as required by sections 334.650 to 334.685 nor shall it exempt the person from the penalties provided by sections 334.650 to 334.685 for failure to renew a license.

3. If a physical therapist assistant does not renew such license for two consecutive renewal periods, such license shall be deemed voided.

4. Each applicant for registration shall accompany the application for registration with a registration fee to be paid to the director of revenue for the licensing period for which registration is sought.

5. If the application is filed and the fee paid after the registration renewal date, a delinquent fee shall be paid; except that, if in the opinion of the board the applicant's failure to register is caused by extenuating circumstances, including illness of the applicant as defined by rule, the delinquent fee may be waived by the board.

6. Upon due application therefore and upon submission by such person of evidence satisfactory to the board that he or she is licensed to practice in this state and upon the payment of fees required to be paid by this chapter, the board shall issue to such person a certificate of registration. The certificate of registration shall contain the name of the person to whom it is issued and his or her office address, the expiration date, and the number of the license to practice.

7. Upon receiving such certificate, every person shall cause it to be readily available or conspicuously displayed at all times in every practice location maintained by such licensee in the state. If the licensee maintains more than one practice location in this state, the board shall without additional fee issue to them duplicate certificates of registration for each practice location so maintained. If any licensee changes practice locations during the period for which any certificate of registration has been issued, such licensee shall, within fifteen days thereafter, notify the board of such change and the board shall issue to the licensee, without additional fee, a new registration certificate showing the new location.

8. Whenever any new license is granted to any physical therapist or physical therapist assistant under the provisions of this chapter, the board shall, upon application therefore, issue to such physical therapist or physical therapist assistant a certificate of registration covering a period from the date of the issuance of the license to the next renewal date without the payment of any registration fee.

334.686. Any person who holds himself or herself out to be a physical therapist assistant or a licensed physical therapist assistant within this state or any person who advertises as a physical therapist assistant and who, in fact, does not hold a valid physical therapist assistant license is guilty of a class B misdemeanor and, upon conviction, shall be punished as provided by law. Any person who, in any manner, represents himself or herself as a physical therapist assistant, or who uses in connection with such person's name the words or letters, "physical therapist assistant", the letters "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any other letters, words, abbreviations or insignia, indicating or implying that the person is a physical therapist assistant without a valid existing license as a physical therapist assistant issued to such person under the provisions of sections 334.500 to 334.620, is guilty of a class B misdemeanor. This section shall not apply to physicians and surgeons licensed

under this chapter or to a person in an entry level of a professional education program approved by the Commission for Accreditation of Physical Therapists and Physical Therapist Assistant Education (CAPTE) who is satisfying supervised clinical education requirements related to the person's physical therapist or physical therapist assistant education while under onsite supervision of a physical therapist; or to a physical therapist who is practicing in the United States Armed Forces, United States Public Health Service, or Veterans Administration under federal regulations for state licensure for health care providers.

334.687. 1. For purposes of this section, the licensing of physical therapists and physical therapist assistants shall take place within processes established by the state board of registration for the healing arts through rules. The board of healing arts is authorized to adopt rules establishing licensing and renewal procedures, supervision of physical therapist assistants, and former licensees who wish to return to the practice of physical therapy, fees, and addressing such other matters as are necessary to protect the public and discipline the profession.” and

Further amend said bill, Page 61, Section 334.735, Line 36, by inserting immediately after the word “section” the following:

“For the purposes of this section, the percentage of time a physician assistant provides patient care with the supervising physician on-site shall be measured each calendar quarter.” and

Further amend said Section, Page 62, Line 74, by inserting after the word “area” the following:

“;

(5) Nothing in this section shall be construed to require a physician-physician assistant team to increase their on-site requirement allowed in their initial waiver in order to qualify for renewal of such waiver.”; and

Further amend said bill, Page 76, Section 338.130, Line 10 by inserting after said line the following:

“339.010. 1. A “real estate broker” is any person, partnership, association, or corporation, foreign or domestic who, for another, and for a compensation or valuable consideration, does, or attempts to do, any or all of the following:

- (1) Sells, exchanges, purchases, rents, or leases real estate;
- (2) Offers to sell, exchange, purchase, rent or lease real estate;
- (3) Negotiates or offers or agrees to negotiate the sale, exchange, purchase, rental or leasing of real estate;
- (4) Lists or offers or agrees to list real estate for sale, lease, rental or exchange;
- (5) Buys, sells, offers to buy or sell or otherwise deals in options on real estate or improvements thereon;
- (6) Advertises or holds himself or herself out as a licensed real estate broker while engaged in the business of buying, selling, exchanging, renting, or leasing real estate;
- (7) Assists or directs in the procuring of prospects, calculated to result in the sale, exchange, leasing or rental of real estate;
- (8) Assists or directs in the negotiation of any transaction calculated or intended to result in the sale,

exchange, leasing or rental of real estate;

(9) Engages in the business of charging to an unlicensed person an advance fee in connection with any contract whereby the real estate broker undertakes to promote the sale of that person's real estate through its listing in a publication issued for such purpose intended to be circulated to the general public;

(10) Performs any of the foregoing acts [as an employee of, or] on behalf of[,] the owner of real estate, or interest therein, or improvements affixed thereon, for compensation.

2. A "real estate salesperson" is any person who for a compensation or valuable consideration becomes associated, either as an independent contractor or employee, either directly or indirectly, with a real estate broker to do any of the things above mentioned. The provisions of sections 339.010 to 339.180 and sections 339.710 to 339.860 shall not be construed to deny a real estate salesperson who is compensated solely by commission the right to be associated with a broker as an independent contractor.

3. The term "commission" as used in sections 339.010 to 339.180 and sections 339.710 to 339.860 means the Missouri real estate commission.

4. "Real estate" for the purposes of sections 339.010 to 339.180 and sections 339.710 to 339.860 shall mean, and include, leaseholds, as well as any other interest or estate in land, whether corporeal, incorporeal, freehold or nonfreehold, and the real estate is situated in this state.

5. "Advertising" shall mean any communication, whether oral or written, between a licensee or other entity acting on behalf of one or more licensees and the public[; it], **and** shall include, but not be limited to, business cards, signs, insignias, letterheads, radio, television, newspaper and magazine ads, Internet advertising, web sites, display or group ads in telephone directories, and billboards.

6. The provisions of sections 339.010 to 339.180 and sections 339.710 to 339.860 shall not apply to:

(1) Any person, partnership, association, or corporation who as owner, lessor, or lessee shall perform any of the acts described in subsection 1 of this section with reference to property owned or leased by them, or to the regular employees thereof[, provided such owner, lessor, or lessee is not engaged in the real estate business];

(2) Any licensed attorney-at-law;

(3) An auctioneer employed by the owner of the property;

(4) Any person acting as receiver, trustee in bankruptcy, administrator, executor, or guardian or while acting under a court order or under the authority of a will, trust instrument or deed of trust or as a witness in any judicial proceeding or other proceeding conducted by the state or any governmental subdivision or agency;

(5) Any person employed or retained to manage real property by, for, or on behalf of the agent or the owner of any real estate shall be exempt from holding a license, if the person is limited to one or more of the following activities:

(a) Delivery of a lease application, a lease, or any amendment thereof, to any person;

(b) Receiving a lease application, lease, or amendment thereof, a security deposit, rental payment, or any related payment, for delivery to, and made payable to, a broker or owner;

(c) Showing a rental unit to any person, as long as the employee is acting under the direct instructions

of the broker or owner, including the execution of leases or rental agreements;

(d) Conveying information prepared by a broker or owner about a rental unit, a lease, an application for lease, or the status of a security deposit, or the payment of rent, by any person;

(e) Assisting in the performance of brokers' or owners' functions, administrative, clerical or maintenance tasks;

(f) If the person described in this section is employed or retained by, for, or on behalf of a real estate broker, the real estate broker shall be subject to discipline under this chapter for any conduct of the person that violates this chapter or the regulations promulgated thereunder;

(6) Any officer or employee of a federal agency or the state government or any political subdivision thereof performing official duties;

(7) Railroads and other public utilities regulated by the state of Missouri, or their subsidiaries or affiliated corporations, or to the officers or regular employees thereof, unless performance of any of the acts described in subsection 1 of this section is in connection with the sale, purchase, lease or other disposition of real estate or investment therein unrelated to the principal business activity of such railroad or other public utility or affiliated or subsidiary corporation thereof;

(8) Any bank, trust company, savings and loan association, credit union, insurance company, mortgage banker, or farm loan association organized under the laws of this state or of the United States when engaged in the transaction of business on its own behalf and not for others;

(9) Any newspaper, magazine, periodical, Internet site, Internet communications, or any form of communications regulated or licensed by the Federal Communications Commission or any successor agency or commission whereby the advertising of real estate is incidental to its operation;

(10) Any developer selling Missouri land owned by the developer;

(11) Any employee acting on behalf of a nonprofit community, or regional economic development association, agency or corporation which has as its principal purpose the general promotion and economic advancement of the community at large, provided that such entity:

(a) Does not offer such property for sale, lease, rental or exchange on behalf of another person or entity;

(b) Does not list or offer or agree to list such property for sale, lease, rental or exchange; or

(c) Receives no fee, commission or compensation, either monetary or in kind, that is directly related to sale or disposal of such properties. An economic developer's normal annual compensation shall be excluded from consideration as commission or compensation related to sale or disposal of such properties; or

(12) Any neighborhood association, as that term is defined in section 441.500, RSMo, that without compensation, either monetary or in kind, provides to prospective purchasers or lessors of property the asking price, location, and contact information regarding properties in and near the association's neighborhood, including any publication of such information in a newsletter, Internet site, or other medium.”; and

Further amend said bill, Page 77, Section 339.120, Line 61 by inserting after said line the following:

“339.150. 1. No real estate broker shall knowingly employ or engage any person to perform any service

to the broker for which licensure as a real estate broker or a real estate salesperson is required pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860, unless such a person is:

(1) A licensed real estate salesperson or a licensed real estate broker as required by section 339.020[,];
or

(2) For a transaction involving commercial real estate as defined in section 339.710, a person regularly engaged in the real estate brokerage business outside the state of Missouri who has, in such forms as the commission may adopt by rule:

(a) Executed a brokerage agreement with the Missouri real estate broker;

(b) Consented to the jurisdiction of Missouri and the commission;

(c) Consented to disciplinary procedures under section 339.100; and

(d) Appointed the commission as his or her agent for service of process regarding any administrative or legal actions relating to the conduct in Missouri; or

(3) For any other transaction, a person regularly engaged in the real estate brokerage business outside of the state of Missouri.

Any such action shall be unlawful as provided by section 339.100 and shall be grounds for investigation, complaint, proceedings and discipline as provided by section 339.100.

2. No real estate licensee shall pay any part of a fee, commission or other compensation received by the licensee to any person for any service rendered by such person to the licensee in buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate, unless such a person is a licensed real estate salesperson regularly associated with such a broker, or a licensed real estate broker, or a person regularly engaged in the real estate brokerage business outside of the state of Missouri.

3. Notwithstanding the provisions of subsections 1 and 2 of this section, any real estate broker who shall refuse to pay any person for services rendered by such person to the broker, with the consent, knowledge and acquiescence of the broker that such person was not licensed as required by section 339.020, in buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate for which services a license is required, and who is employed or engaged by such broker to perform such services, shall be liable to such person for the reasonable value of the same or similar services rendered to the broker, regardless of whether or not the person possesses or holds any particular license, permit or certification at the time the service was performed. Any such person may bring a civil action for the reasonable value of his services rendered to a broker notwithstanding the provisions of section 339.160.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 788, Page 50, Section 325.010, Line 17, by inserting after all of said line the following:

“326.256. 1. As used in this chapter, the following terms mean:

(1) “AICPA”, the American Institute of Certified Public Accountants;

(2) “Attest” or “**attest services**”, providing the following financial statement services:

(a) Any audit or other engagement to be performed in accordance with the Statements on Auditing Standards (SAS);

(b) Any examination of prospective financial information to be performed in accordance with the Statements on Standards for Attestation Engagements (SSAE); **or**

(c) Any engagement to be performed in accordance with the auditing standards and rules of the Public Company Accounting Oversight Board (PCAOB);

(3) “Board”, the Missouri state board of accountancy established [pursuant to] **under** section 326.259 or its predecessor pursuant to prior law;

(4) “Certificate”, a certificate issued [pursuant to] **under** section 326.060 prior to August 28, 2001;

(5) “Certified public accountant” or “CPA”, the holder of a certificate or license as defined in this section;

(6) “Certified public accountant firm”, “CPA firm” or “firm”, a sole proprietorship, a corporation, a partnership or any other form of organization issued a permit [pursuant to] **under** section 326.289;

(7) “Client”, a person or entity that agrees with a licensee or licensee's employer to receive any professional service;

(8) “Compilation”, providing a service to be performed in accordance with Statements on Standards for Accounting and Review Services (SSARS) that is presented in the form of financial statements information that is the representation of management (owners) without undertaking to express any assurance on the statements;

(9) “Home office”, the location specified by the client as the address to which attest, compilation, or review services are directed;

(10) “License”, a license issued [pursuant to] under section 326.280, or [a provisional license issued pursuant to] privilege to practice under section 326.283; or, in each case, an individual license or permit issued pursuant to corresponding provisions of prior law;

[(10)] **(11) “Licensee”, the holder of a license as defined in this section;**

[(11)] **(12) “Manager”, a manager of a limited liability company;**

[(12)] **(13) “Member”, a member of a limited liability company;**

[(13)] **(14) “NASBA”, the National Association of State Boards of Accountancy;**

[(14)] **(15) “Peer review”, a study, appraisal or review of one or more aspects of the professional work of a licensee or certified public accountant firm that performs attest, review or compilation services, by licensees who are not affiliated either personally or through their certified public accountant firm being reviewed pursuant to the Standards for Performing and Reporting on Peer Reviews promulgated by the AICPA or such other standard adopted by regulation of the board which meets or exceeds the AICPA standards;**

[(15)] **(16) “Permit”, a permit to practice as a certified public accountant firm issued [pursuant to] under section 326.289 or corresponding provisions of prior law or pursuant to corresponding provisions of the laws of other states;**

[(16)] **(17) “Professional”, arising out of or related to the specialized knowledge or skills associated**

with certified public accountants;

[(17)] **(18)** “Public accounting”:

(a) Performing or offering to perform for an enterprise, client or potential client one or more services involving the use of accounting or auditing skills, or one or more management advisory or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters by a person, firm, limited liability company or professional corporation using the title “C.P.A.” or “P.A.” in signs, advertising, directory listing, business cards, letterheads or other public representations;

(b) Signing or affixing a name, with any wording indicating the person or entity has expert knowledge in accounting or auditing to any opinion or certificate attesting to the reliability of any representation or estimate in regard to any person or organization embracing financial information or facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, rules, grants, loans and appropriations; or

(c) Offering to the public or to prospective clients to perform, or actually performing on behalf of clients, professional services that involve or require an audit or examination of financial records leading to the expression of a written attestation or opinion concerning these records;

[(18)] **(19)** “Report”, when used with reference to financial statements, means an opinion, report or other form of language that states or implies assurance as to the reliability of any financial statements, and that also includes or is accompanied by any statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the person or firm is an accountant or auditor, or from the language of the report itself. The term report includes any form of language which disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the financial statements referred to or special competence on the part of the person or firm issuing such language, or both, and includes any other form of language that is conventionally understood to imply such assurance or such special knowledge or competence, or both;

[(19)] **(20)** “Review”, providing a service to be performed in accordance with Statements on Standards for Accounting and Review Services (SSARS) that is performing inquiry and analytical procedures that provide the accountant with a reasonable basis for expressing limited assurance that there are no material modifications that should be made to the statements for them to be in conformity with generally accepted accounting principles or, if applicable, with another comprehensive basis of accounting;

[(20)] **(21)** “State”, any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands and Guam; except that “this state” means the state of Missouri;

[(21)] **(22)** “Substantial equivalency” or **“substantially equivalent”**, a determination by the board of accountancy or its designee that the education, examination and experience requirements contained in the statutes and administrative rules of another jurisdiction are comparable to or exceed the education, examination and experience requirements contained in this chapter or that an individual certified public accountant's education, examination and experience qualifications are comparable to or exceed the education, examination and experience requirements contained in this chapter;

[(22)] **(23)** “Transmittal”, any transmission of information in any form, including but not limited to any and all documents, records, minutes, computer files, disks or information.

2. The statements on standards specified in this section shall be adopted by reference by the board pursuant to rulemaking and shall be those developed for general application by the AICPA or other recognized national accountancy organization as prescribed by board rule.”; and

Further amend said bill, Page 51, Section 326.265, Line 13, by inserting after all of said line the following:

“326.283. 1. (1) An individual whose principal place of business, **domicile, or residency** is not in this state and [has] **who holds** a valid [designation] **and unrestricted license** to practice public accounting from any state which the board **or its designee** has determined by rule to be in substantial equivalence with the licensure requirements of [sections 326.250 to 326.331] **this chapter**, or if the individual's qualifications are substantially equivalent to the licensure requirements of [sections 326.250 to 326.331] **this chapter**, shall be presumed to have qualifications substantially equivalent to this state's requirements and shall have all the privileges of licensees of this state[, provided the individual shall notify the board of his or her intent to engage in the practice of accounting with a client within this state whether in person, by electronic or technological means, or any other manner. The board by rule may require individuals to obtain a license] **without the need to obtain a license or to otherwise notify or register with the board or pay any fee. Provided, however, the board may by rule require individuals with a valid but restricted license to obtain a license.**

(2) [Any] **An individual who qualifies for the privilege to practice under this section, may offer or render professional services in this state, whether in person, by mail, telephone, or electronic means, and no notice or other submission shall be required of any such individual.**

(3) **An individual licensee** of another state exercising the privilege afforded [pursuant to] **under** this section [consents] **and the firm which employs such licensee hereby simultaneously consent**, as a condition of the grant of this privilege [to]:

(a) **To** the personal and subject matter jurisdiction and disciplinary authority of the board;

(b) **To** comply with this chapter and the board's rules; [and]

(c) **That in the event the license from any state is no longer valid or unrestricted, the individual shall cease offering or rendering professional services in this state individually and on behalf of a firm; and**

(d) **To** the appointment of the state board [which] **that** issued the individual's license as his or her agent upon whom process may be served in any action or proceeding by this board against the individual.

(4) **An individual who has been granted the privilege to practice under this section who performs attest services for an entity with a home office in this state, shall only do so through a firm which has obtained a permit issued under section 326.289.**

[(3)](5) Nothing in this [section] **chapter** shall prohibit temporary practice in this state for professional business incidental to a CPA's regular practice outside this state. “Temporary practice” means that practice [which is a continuation or extension] **related to the direct purpose** of an engagement for a client located outside this state, which engagement began outside this state and extends into this state through common ownership, existence of a subsidiary, assets or other operations located within this state.

2. A licensee of this state offering or rendering services or using his or her certified public accountant title in another state shall be subject to disciplinary action in this state for an act committed in another state

for which the licensee would be subject to discipline for an act committed in the other state. Notwithstanding the provisions of section 326.274 to the contrary, the board may investigate any complaint made by the board of accountancy of another state.

326.289. 1. The board may grant or renew permits to practice as a certified public accounting firm to [entities] **applicants** that [make application and] demonstrate their qualifications in accordance with this [section or to certified public accounting firms originally licensed in another state that establish an office in this state. A firm shall hold a permit issued pursuant to this section to provide attest, review or compilation services or to use the title certified public accountant or certified public accounting firm] **chapter.**

(1) The following shall hold a permit issued under this chapter:

(a) Any firm with an office in this state, as defined by the board by rule, performing attest services;

(b) Any firm with an office in this state that uses the title “CPA” or “CPA firm”; and

(c) Any firm that does not have an office in this state performing attest services for a client having a home office in this state.

(2) A firm which does not have an office in this state may perform compilation and review services for a client having a home office in this state and may use the title “CPA” or “CPA firm” without a permit issued under this section only if it:

(a) Has the qualifications described in subsections 4 and 9 of this section; and

(b) Performs such services through an individual with the privilege to practice under subsection 1 of section 326.283.

(3) A firm which is not subject to the requirements of subdivisions (1) or (2) of this subsection may perform other professional services while using the title “CPA” or “CPA firm” in this state without a permit issued under this section only if it:

(a) Has qualifications described in subsection 4 of this section;

(b) Performs such services through an individual with the privilege to practice under section 326.283; and

(c) Can lawfully do so in the state where said individual with privilege to practice has his or her principal place of business.

2. Permits shall be initially issued and renewed for periods of not more than three years or for a specific period as prescribed by board rule following issuance or renewal.

3. The board shall determine by rule the form for application and renewal of permits and shall annually determine the fees for permits and their renewals.

4. An applicant for initial issuance or renewal of a permit to practice [pursuant to] **under** this section shall be required to show that:

(1) [Notwithstanding any other provision of law to the contrary,] A simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, principals, shareholders, members or managers, belongs to licensees who are licensed in some state, and the partners, officers,

principals, shareholders, members or managers, whose principal place of business is in this state and who perform professional services in this state are licensees [pursuant to] **under** section 326.280 or the corresponding provision of prior law. Although firms may include nonlicensee owners, the firm and its ownership shall comply with rules promulgated by the board;

(2) Any certified public accounting firm may include owners who are not licensees[,] provided that:

(a) The firm designates a licensee of this state, **or in the case of a firm which must have a permit under this section designates a licensee of another state who meets the requirements of section 326.283**, who is responsible for the proper registration of the firm and identifies that individual to the board;

(b) All nonlicensee owners are active individual participants in the certified public accounting firm or affiliated entities;

(c) **All owners are of good moral character; and**

(d) The firm complies with other requirements as the board may impose by rule;

(3) Any licensee, initially licensed on or after August 28, 2001, who is responsible for supervising attest services, or signs or authorizes someone to sign the licensee's report on the financial statements on behalf of the firm, shall meet competency requirements as determined by the board by rule which shall include one year of experience in addition to the experience required [pursuant to] **under** subdivision (6) of subsection 1 of section 326.280 and shall be verified by a licensee. The additional experience required by this subsection shall include experience in attest work supervised by a licensee;

(4) Any licensee who is responsible for supervising review services or signs or authorizes someone to sign review reports shall meet the competency requirements as determined by board by rule which shall include experience in review services.

5. An applicant for initial issuance or renewal of a permit to practice shall register each office of the firm within this state with the board and show that all attest, review and compilation services rendered in this state are under the charge of a licensee.

6. No licensee or firm holding a permit [pursuant to] **under** this chapter shall use a professional or firm name or designation that is misleading as to:

(1) The legal form of the firm;

(2) The persons who are partners, officers, members, managers or shareholders of the firm; or

(3) Any other matter.

The names of one or more former partners, members or shareholders may be included in the name of a firm or its successor unless the firm becomes a sole proprietorship because of the death or withdrawal of all other partners, officers, members or shareholders. A firm may use a fictitious name if the fictitious name is registered with the board and is not otherwise misleading. The name of a firm shall not include the name or initials of an individual who is not a present or a past partner, member or shareholder of the firm or its predecessor. The name of the firm shall not include the name of an individual who is not a licensee.

7. Applicants for initial issuance or renewal of permits shall list in their application all states in which they have applied for or hold permits as certified public accounting firms and list any past denial, revocation, suspension or any discipline of a permit by any other state. Each holder of or applicant for a permit [pursuant to] **under** this section shall notify the board in writing within thirty days after its

occurrence of any change in the identities of partners, principals, officers, shareholders, members or managers whose principal place of business is in this state; any change in the number or location of offices within this state; any change in the identity of the persons in charge of such offices; and any issuance, denial, revocation, suspension or any discipline of a permit by any other state.

8. Firms which fall out of compliance with the provisions of this section due to changes in firm ownership or personnel after receiving or renewing a permit shall take corrective action to bring the firm back into compliance as quickly as possible. The board may grant a reasonable period of time for a firm to take such corrective action. Failure to bring the firm back into compliance within a reasonable period as defined by the board may result in the suspension or revocation of the firm permit.

9. The board shall require by rule, as a condition to the renewal of permits, that firms undergo, no more frequently than once every three years, peer reviews conducted in a manner as the board shall specify. The review shall include a verification that individuals in the firm who are responsible for supervising attest, review and compilation services or sign or authorize someone to sign the accountant's report on the financial statements on behalf of the firm meet the competency requirements set out in the professional standards for such services, provided that any such rule:

(1) Shall include reasonable provision for compliance by a firm showing that it has within the preceding three years undergone a peer review that is a satisfactory equivalent to peer review generally required [pursuant to] **under** this subsection;

(2) May require, with respect to peer reviews, that peer reviews be subject to oversight by an oversight body established or sanctioned by board rule, which shall periodically report to the board on the effectiveness of the review program under its charge and provide to the board a listing of firms that have participated in a peer review program that is satisfactory to the board; and

(3) Shall require, with respect to peer reviews, that the peer review processes be operated and documents maintained in a manner designed to preserve confidentiality, and that the board or any third party other than the oversight body shall not have access to documents furnished or generated in the course of the peer review of the firm except as provided in subdivision (2) of this subsection.

10. Prior to January 1, 2008, licensees who perform fewer than three attest services during each calendar year shall be exempt from the requirements of subsection 9 of this section.

11. The board may, by rule, charge a fee for oversight of peer reviews, provided that the fee charged shall be substantially equivalent to the cost of oversight.

12. In connection with proceedings before the board or upon receipt of a complaint involving the licensee performing peer reviews, the board shall not have access to any documents furnished or generated in the course of the performance of the peer reviews except for peer review reports, letters of comment and summary review memoranda. The documents shall be furnished to the board only in a redacted manner that does not specifically identify any firm or licensee being peer reviewed or any of their clients.

13. The peer review processes shall be operated and the documents generated thereby be maintained in a manner designed to preserve their confidentiality. No third party, other than the oversight body, the board, subject to the provisions of subsection 12 of this section, or the organization performing peer review shall have access to documents furnished or generated in the course of the review. All documents shall be privileged and closed records for all purposes and all meetings at which the documents are discussed shall be considered closed meetings [pursuant to] **under** subdivision (1) of section 610.021, RSMo. The

proceedings, records and workpapers of the board and any peer review subjected to the board process shall be privileged and shall not be subject to discovery, subpoena or other means of legal process or introduction into evidence at any civil action, arbitration, administrative proceeding or board proceeding. No member of the board or person who is involved in the peer review process shall be permitted or required to testify in any civil action, arbitration, administrative proceeding or board proceeding as to any matters produced, presented, disclosed or discussed during or in connection with the peer review process or as to any findings, recommendations, evaluations, opinions or other actions of such committees or any of its members; provided, however, that information, documents or records that are publicly available shall not be subject to discovery or use in any civil action, arbitration, administrative proceeding or board proceeding merely because they were presented or considered in connection with the peer review process.

326.292. 1. Only licensees may issue a report on financial statements of any person, firm, organization or governmental unit or offer to render or render any attest service. Such restriction shall not prohibit any act of a public official or public employee in the performance of the person's duties as such; nor prohibit the performance by any nonlicensee of other services involving the use of accounting skills, including the preparation of tax returns, management advisory services and the preparation of nonattest financial statements. Nonlicensees may prepare financial statements and issue nonattest transmittals or information thereon which do not purport to be in compliance with the Statements on Standards for Accounting and Review Services (SSARS).

2. Only certified public accountants shall use or assume the title certified public accountant, or the abbreviation CPA or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such person is a certified public accountant. Nothing in this section shall prohibit:

(1) A certified public accountant whose certificate was in full force and effect, issued pursuant to the laws of this state prior to August 28, 2001, and who does not engage in the practice of public accounting, auditing, bookkeeping or any similar occupation, from using the title certified public accountant or abbreviation CPA;

(2) A person who holds a certificate, then in force and effect, issued pursuant to the laws of this state prior to August 28, 2001, and who is regularly employed by or is a director or officer of a corporation, partnership, association or business trust, in his or her capacity as such, from signing, delivering or issuing any financial, accounting or related statement, or report thereon relating to such corporation, partnership, association or business trust provided the capacity is so designated, and provided in the signature line the title CPA or certified public accountant is not designated.

3. No firm shall provide attest services or assume or use the title certified public accountants or the abbreviation CPAs, or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such firm is a certified public accounting firm unless:

(1) The firm holds a valid permit issued [pursuant to] **under** section 326.289 **or is a firm exempt from the permit requirement under subdivisions (2) and (3) of subsection 1 of section 326.289 and complies with all other applicable provisions of that section;** and

(2) Ownership of the firm is in accord with section 326.289 and rules promulgated by the board.

4. Only persons holding a valid license or permit issued [pursuant to] **under** section 326.280 or 326.289, **or persons qualifying for the privilege to practice under section 326.283, and firms exempt from the permit requirement under subsection 1 of section 326.289,** shall assume or use the title certified

accountant, chartered accountant, enrolled accountant, licensed accountant, registered accountant, accredited accountant or any other title or designation likely to be confused with the titles certified public accountant or public accountant, or use any of the abbreviations CA, LA, RA, AA or similar abbreviation likely to be confused with the abbreviation CPA or PA. The title enrolled agent or EA shall only be used by individuals so designated by the Internal Revenue Service. Nothing in this section shall prohibit the use or issuance of a title for nonattest services provided that the organization and the title issued by the organization existed prior to August 28, 2001.

5. (1) Nonlicensees shall not use language in any statement relating to the financial affairs of a person or entity that is conventionally used by certified public accountants in reports on financial statements. Nonlicensees may use the following safe harbor language:

(a) For compilations:

“I (We) have prepared the accompanying (financial statements) of (name of entity) as of (time period) for the (period) then ended. This presentation is limited to preparing in the form of a financial statement information that is the representation of management (owners). I (We) have not audited or reviewed the accompanying financial statements and accordingly do not express an opinion or any other form of assurance on them.”;

(b) For reviews:

“I (We) reviewed the accompanying (financial statements) of (name of entity) as of (time period) for the (period) then ended. These financial statements (information) are (is) the responsibility of the company's management. I (We) have not audited the accompanying financial statements and accordingly do not express an opinion or any other form of assurance on them.”.

(2) Only persons or firms holding a valid license or permit issued [pursuant to] **under** section 326.280 or 326.289 shall assume or use any title or designation that includes the words accountant or accounting in connection with any other language, including the language of a report, that implies that the person or firm holds a license or permit or has special competence as an accountant or auditor; provided, however, that this subsection shall not prohibit any officer, partner, principal, member, manager or employee of any firm or organization from affixing such person's own signature to any statement in reference to the financial affairs of the firm or organization with any wording designating the position, title or office that the person holds therein nor prohibit any act of a public official or employee in the performance of the person's duties as such. Nothing in this subsection shall prohibit the singular use of “accountant” or “accounting” for nonattest purposes.

6. Licensees signing or authorizing someone to sign reports on financial statements when performing attest, review or compilation services shall provide those services in accordance with professional standards as determined by the board by rule.

7. No licensee [or holder of a provisional license] or firm holding a permit [pursuant to] **under** sections 326.280 to 326.289 shall use a professional or firm name or designation that is misleading about the legal form of the firm, or about the persons who are partners, principals, officers, members, managers or shareholders of the firm, or about any other matter.

8. None of the foregoing provisions of this section shall apply to a person or firm holding a certification, designation, degree or license granted in a foreign country entitling the holder to engage in the practice of public accounting or its equivalent in the country whose activities in this state are limited to the

provision of professional services to persons or firms who are residents of, governments of, or business entities of the country in which the person holds the entitlement, who performs no attest, review or compilation services and who issues no reports with respect to the financial statements of any other persons, firms or governmental units in this state, and who does not use in this state any title or designation other than the one under which the person practices in such country, followed by a translation of such title or designation into the English language, if it is in a different language, and by the name of such country.

9. No licensee whose license is issued [pursuant to] **under** section 326.280 or issued pursuant to prior law shall perform attest services through any certified public accounting firm that does not hold a valid permit issued [pursuant to] **under** section 326.289.

10. Nothing herein shall prohibit a practicing attorney or firm of attorneys from preparing or presenting records or documents customarily prepared by an attorney or firm of attorneys in connection with the attorney's professional work in the practice of law.

11. Nothing herein shall prohibit any trustee, executor, administrator, referee or commissioner from signing and certifying financial reports incident to his or her duties in that capacity.

12. Nothing herein shall prohibit any director or officer of a corporation, partner or a partnership, sole proprietor of a business enterprise, member of a joint venture, member of a committee appointed by stockholders, creditors or courts, or an employee of any of the foregoing, in his or her capacity as such, from signing, delivering or issuing any financial, accounting or related statement, or report thereon, relating to the corporation, partnership, business enterprise, joint venture or committee, provided the capacity is designated on the statement or report.

13. (1) A licensee shall not for a commission recommend or refer to a client any product or service, or for a commission recommend or refer any product or service to be supplied by a client, or receive a commission, when the licensee also performs for that client:

(a) An audit or review of a financial statement; or

(b) A compilation of a financial statement when the licensee expects, or reasonably may expect, that a third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence; or

(c) An examination of prospective financial information.

Such prohibition applies during the period in which the licensee is engaged to perform any of the services listed above and the period covered by any historical financial statements involved in such listed services.

(2) A licensee who is not prohibited by this section from performing services for or receiving a commission and who is paid or expects to be paid a commission shall disclose in writing that fact to any person or entity to whom the licensee recommends or refers a product or service to which the commission relates.

(3) Any licensee who accepts a referral fee for recommending or referring any service of a licensee to any person or entity or who pays a referral fee to obtain a client shall disclose in writing the acceptance or payment to the client.

14. (1) A licensee shall not:

(a) Perform for a contingent fee any professional services for, or receive a fee from, a client for whom

the licensee or the licensees's firm performs:

a. An audit or review of a financial statement; or

b. A compilation of a financial statement when the licensee expects, or reasonably might expect, that a third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence; or

c. An examination of prospective financial information;

(b) Prepare an original tax return or claim for a tax refund for a contingent fee for any client; or

(c) Prepare an amended tax return or claim for a tax refund for a contingent fee for any client, unless permitted by board rule.

(2) The prohibition in subdivision (1) of this subsection applies during the period in which the licensee is engaged to perform any of those services and the period covered by any historical financial statements involved in any services.

(3) A contingent fee is a fee established for the performance of any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of the service. Solely for purposes of this section, fees are not regarded as being contingent if fixed by courts or other public authorities, or, in tax matters, if determined based on the results of judicial proceedings or the findings of governmental agencies. A licensee's fees may vary depending, for example, on the complexity of services rendered.

15. Any person who violates any provision of subsections 1 to 5 of this section shall be guilty of a class A misdemeanor. Whenever the board has reason to believe that any person has violated this section it may certify the facts to the attorney general of this state or bring other appropriate proceedings.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 788, Page 11, Section 135.520, Line 47, by inserting immediately after said line the following:

“144.011. 1. For purposes of sections 144.010 to 144.525 and 144.600 to 144.748, and the taxes imposed thereby, the definition of “retail sale” or “sale at retail” shall not be construed to include any of the following:

(1) The transfer by one corporation of substantially all of its tangible personal property to another corporation pursuant to a merger or consolidation effected under the laws of the state of Missouri or any other jurisdiction;

(2) The transfer of tangible personal property incident to the liquidation or cessation of a taxpayer's trade or business, conducted in proprietorship, partnership or corporate form, except to the extent any transfer is made in the ordinary course of the taxpayer's trade or business;

(3) The transfer of tangible personal property to a corporation solely in exchange for its stock or securities;

(4) The transfer of tangible personal property to a corporation by a shareholder as a contribution to the

capital of the transferee corporation;

(5) The transfer of tangible personal property to a partnership solely in exchange for a partnership interest therein;

(6) The transfer of tangible personal property by a partner as a contribution to the capital of the transferee partnership;

(7) The transfer of tangible personal property by a corporation to one or more of its shareholders as a dividend, return of capital, distribution in the partial or complete liquidation of the corporation or distribution in redemption of the shareholder's interest therein;

(8) The transfer of tangible personal property by a partnership to one or more of its partners as a current distribution, return of capital or distribution in the partial or complete liquidation of the partnership or of the partner's interest therein;

(9) The transfer of reusable containers used in connection with the sale of tangible personal property contained therein for which a deposit is required and refunded on return;

(10) The purchase by persons operating eating or food service establishments, of items of a nonreusable nature which are furnished to the customers of such establishments with or in conjunction with the retail sales of their food or beverage. Such items shall include, but not be limited to, wrapping or packaging materials and nonreusable paper, wood, plastic and aluminum articles such as containers, trays, napkins, dishes, silverware, cups, bags, boxes, straws, sticks and toothpicks;

(11) The purchase by persons operating hotels, motels or other transient accommodation establishments, of items of a nonreusable nature which are furnished to the guests in the guests' rooms of such establishments and such items are included in the charge made for such accommodations. Such items shall include, but not be limited to, soap, shampoo, tissue and other toiletries and food or confectionery items offered to the guests without charge;

(12) The transfer of a manufactured home other than:

(a) A transfer which involves the delivery of the document known as the "Manufacturer's Statement of Origin" to a person other than a manufactured home dealer, as defined in section [700.450] **700.010**, RSMo, for purposes of allowing such person to obtain a title to the manufactured home from the department of revenue of this state or the appropriate agency or officer of any other state;

(b) A transfer which involves the delivery of a "Reposessed Title" to a resident of this state if the tax imposed by sections 144.010 to 144.525 was not paid on the transfer of the manufactured home described in paragraph (a) of this subdivision;

(c) The first transfer which occurs after December 31, 1985, if the tax imposed by sections 144.010 to 144.525 was not paid on any transfer of the same manufactured home which occurred before December 31, 1985; or

(13) Charges for initiation fees or dues to:

(a) Fraternal beneficiaries societies, or domestic fraternal societies, orders or associations operating under the lodge system a substantial part of the activities of which are devoted to religious, charitable, scientific, literary, educational or fraternal purposes; or

(b) Posts or organizations of past or present members of the armed forces of the United States or an

auxiliary unit or society of, or a trust or foundation for, any such post or organization substantially all of the members of which are past or present members of the armed forces of the United States or who are cadets, spouses, widows, or widowers of past or present members of the armed forces of the United States, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

2. The assumption of liabilities of the transferor by the transferee incident to any of the transactions enumerated in the above subdivisions (1) to (8) of subsection 1 of this section shall not disqualify the transfer from the exclusion described in this section, where such liability assumption is related to the property transferred and where the assumption does not have as its principal purpose the avoidance of Missouri sales or use tax.”; and

Further amend said Substitute, Page 126, Section 620.1063, Line 14, by inserting immediately after said line the following:

“700.010. As used in sections 700.010 to 700.500, for the purpose of sections 700.010 to 700.500, the following terms mean:

(1) “Authorized representative”, any person, firm or corporation, or employee thereof, approved or hired by the commission to perform inspection services;

(2) “Code”, the standards relating to manufactured homes, or modular units as adopted by the commission. The commission, in its discretion, may incorporate, in whole or in part, the standards codes promulgated by the American National Standards Institute, the United States Department of Housing and Urban Development or other recognized agencies or organizations;

(3) “Commission”, the public service commission;

(4) “Dealer”, any person, other than a manufacturer, who sells or offers for sale four or more **used homes or one or more new** manufactured homes, or **one or more new** modular units in any consecutive twelve-month period;

(5) **“Installer”, an individual who is licensed by the commission to install manufactured homes under sections 700.650 to 700.692;**

(6) “Manufactured home”, a factory-built structure or structures which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, contains three hundred twenty or more square feet, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. The phrase “without a permanent foundation” indicates that the support system is constructed with the intent that the manufactured home placed thereon may be moved from time to time at the convenience of the owner;

[(6)] (7) “Manufacturer”, any person who manufactures manufactured homes, or modular units, including persons who engage in importing manufactured homes, or modular units for resale;

[(7)] (8) “Modular unit”, a transportable building unit designed to be used by itself or to be incorporated with similar units at a point-of-use into a modular structure to be used for residential, commercial, educational or industrial purposes. This definition shall not apply to structures under six hundred fifty square feet used temporarily and exclusively for construction site office purposes;

[(8)] (9) “New”, being sold or offered for sale to the first purchaser for purposes other than resale;

[(9)] (10) “Person”, an individual, partnership, corporation or other legal entity;

[(10)] (11) “Premises”, a lot, plot, or parcel of land including the buildings, structures, and manufactured homes thereon;

[(11)] (12) “Recreational park trailer”, a recreational park trailer as defined in the American National Standards Institute (ANSI) A119.5 Standard on Recreational Park Trailers. A recreational park trailer is not a recreational vehicle;

[(12)] (13) “Recreational vehicle”, a recreational vehicle as defined in the American National Standards Institute (ANSI) A119.2 Standard on Recreational Vehicles;

[(13)] (14) “Seal”, a device, label or insignia issued by the public service commission, U.S. Department of Housing and Urban Development, or its agent, to be displayed on the exterior of the manufactured home, or modular unit to evidence compliance with the code;

[(14)] (15) “Setup”, the operations performed at the occupancy site which renders a manufactured home or modular unit fit for habitation, which operations include, but are not limited to, moving, blocking, leveling, supporting, and assembling multiple or expandable units.

700.041. 1. There is hereby established a fund in the state treasury to be known as the “Manufactured Housing Consumer Recovery Fund” for the purpose of paying consumer claims under procedures the commission may promulgate by rule. The public service commission shall administer the manufactured housing consumer recovery fund and all moneys in the fund shall be used solely as prescribed in this section. Any interest earned from the investment of moneys in the fund shall be credited to the fund.

2. Claims approved by the commission under law may be paid from the fund subject to appropriation. No claims shall be considered by the commission until all other legal remedies have been exhausted. The commission shall establish an advisory committee to assist with the evaluation of all claims filed by consumers. The committee members shall be volunteers and serve without compensation.

3. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the manufactured housing consumer recovery fund shall not be transferred to the credit of the general revenue fund at the end of the biennium; however, the total amount in the manufactured housing consumer recovery fund shall not exceed thirty-two percent of the amount of the annual appropriation of the manufactured housing fund from the preceding fiscal year. Moneys in the manufactured housing consumer recovery fund may be transferred back to the manufactured housing fund by appropriation.

700.045. It shall be a misdemeanor:

(1) For a manufacturer or dealer to manufacture, rent, lease, sell or offer to sell any manufactured home or modular unit after January 1, 1977, unless there is in effect a registration with the commission;

(2) To rent, lease, sell or offer to sell any new manufactured home or new modular unit or used modular unit used for educational purposes manufactured after January 1, 1974, which does not bear a seal as required by sections 700.010 to 700.115;

(3) To affix a seal or cause a seal to be affixed to any manufactured home or modular unit which does not comply with the code;

(4) To alter a manufactured home or modular unit in a manner prohibited by the provisions of sections 700.010 to 700.115;

(5) To fail to correct within a reasonable time not to exceed ninety days after being ordered to do so in writing by an authorized representative of the commission a code violation in a new manufactured home or new modular unit or used modular unit used for educational purposes owned, manufactured or sold if the same is manufactured after January 1, 1974. **Reasonable and necessary extensions may be granted by the commission;** or

(6) To interfere with, obstruct, or hinder any authorized representative of the commission in the performance of his or her duties.

700.056. Every dealer of a **new** manufactured home offered for sale in this state shall at the time of sale provide the purchaser with a bill of sale **or the purchase agreement** containing at least the following: The total price of the unit, **serial number if available, if not, the manufacturer name and model number of the unit**, and its contents, **any waivers**, a list of all furniture and appliances in the manufactured home, any other costs which will be assessed to the purchaser **by the dealer** such as transportation, handling, or such other costs, and the sales tax payable for such manufactured home.

700.065. All **new** manufactured homes located in this state shall be anchored and tied down in accordance with the standards promulgated by the commission pursuant to the provisions of sections 700.010 to 700.115 **and 700.650 to 700.692**.

700.090. 1. Every manufacturer or dealer [of manufactured homes] who sells or offers for sale, on consignment or otherwise, a manufactured home or modular unit from or in the state of Missouri shall register [each location] with the commission **each place of business at which the manufacturer or dealer sells or offers for sale a manufactured home or modular unit**.

2. The commission shall issue a certificate of registration to a manufacturer who:

(1) Completes and files with the commission an application for registration which contains the following information:

(a) The name of the manufacturer;

(b) The address of the manufacturer and addresses of each factory owned or operated by the manufacturer, if different from the address of the manufacturer;

(c) If a corporation, the state of original incorporation, a list of the names and addresses of all officers and directors of the corporation, and proof of the filing of all franchise and sales tax forms required by Missouri law;

(d) If not a corporation, the name and address of the managing person or persons responsible for overall operation of the manufacturer;

(2) Files with the commission an initial registration fee of seven hundred fifty dollars in the form of a cashier's check or money order made payable to the state of Missouri.

3. The commission shall issue a certificate of registration to a dealer who:

(1) Completes and files with the commission an application for registration which contains the following information:

(a) The name of the dealer;

(b) The business address of the dealer and addresses of each separate facility owned and operated by the dealer from which manufactured homes or modular units are offered for sale if different from the business address of the dealer;

(c) If a corporation, the state of original incorporation, a list of the names and addresses of all officers and directors of the corporation, proof of the filing of all franchise and sales tax forms required by Missouri law;

(d) If not a corporation, the name and address of the managing person or persons responsible for the overall operations of the manufacturer;

(2) Files with the commission an initial registration fee of two hundred dollars in the form of a cashier's check or money order made payable to the state of Missouri;

(3) Files with the commission proof of compliance with the provisions of section 301.280, RSMo.

4. The registration of any manufacturer or dealer shall be effective for a period of one year and shall be renewed by the commission upon receipt by it from the registered dealer of a renewal fee of seven hundred fifty dollars for manufacturers and two hundred dollars for dealers and a form provided by the commission upon which shall be placed any changes from the information requested on the initial registration form.

5. The commission may stagger the renewal of certificates of registration to provide for more equal distribution over the twelve months of the number of registration renewals.

700.095. 1. Every dealer shall, on or before January fifteenth of each year, make application for registration or renewal and shall be required to maintain a bona fide established place of business and maintain a permanent enclosed building or structure, either owned in fee or leased and actually occupied as a place of business by the applicant for the selling, bartering, trading, or exchanging of manufactured homes or modular units where the public may contact the owner or operator at any reasonable time and where the books, records, files, and other matter required and necessary to conduct the business shall be kept and maintained.

2. The application shall contain the business address, not a post-office box address, and telephone number of the place where the books, records, files, and other matters required and necessary to conduct the business are located and where the same may be inspected during normal daytime business hours.

3. Each application shall contain such additional information as may be required by the commission to enable it to determine whether the applicant is a bona fide dealer in fact and is of good moral character.

4. Upon the payment of a registration or renewal fee of two hundred dollars, there shall be assigned to each dealer a certificate of registration in such form as the commission shall prescribe.

700.096. 1. Each person registered as a dealer under the provisions of sections 700.010 to 700.115 shall file monthly reports with the commission, and such reports shall be in the form and manner and contain the information required by the commission by rules promulgated under chapter 536, RSMo, and shall permit an employee of the commission or any law enforcement official to inspect during normal business hours any of the following documents which are in his or her possession or under his

or her control:

(1) Any manufacturer's invoice, certificate of origin, statement of origin, or title to any manufactured home or modular unit;

(2) Any application for title to any manufactured home;

(3) Any affidavit provided under chapter 301, RSMo, or chapter 407, RSMo;

(4) Any assignment of title to any manufactured home;

(5) Any disclosure statement or other document required by the laws of the United States or any other state.

2. For purposes of this section, the term "law enforcement official" means any of the following:

(1) The attorney general, or any person designated by him or her to make such an inspection;

(2) Any prosecuting attorney or any person designated by a prosecuting attorney to make such an inspection;

(3) Any member of the highway patrol;

(4) Any sheriff or deputy sheriff;

(5) Any peace officer certified under chapter 590, RSMO, acting in his or her official capacity.

700.097. No insurance company, finance company, bank, or trust company shall be required to register with the commission in order to sell any manufactured home or modular unit repossessed or purchased by the company on the basis of total destruction or theft thereof when the sale of the manufactured home or modular unit is in conformance with applicable title and registration laws of this state.

700.098. 1. The commission may refuse to register an applicant as a dealer, or may suspend the registration of an existing dealer from one day to thirty days, or revoke the registration of a dealer after a written notice and a hearing when the commission is satisfied that the applicant or dealer has failed to comply with the provisions set out in sections 700.010 to 700.115. Notification of unfavorable action by the commission on any application for registration or renewal of registration shall be accompanied by a notice informing the recipient that the decision of the director may be appealed as provided in chapter 386, RSMo.

2. It shall be unlawful for any person to hold forth or act as a dealer who is not currently registered as a dealer by the commission as required by sections 700.010 to 700.115.

700.100. 1. The commission may refuse to register or refuse to renew the registration of any person who fails to comply with the provisions of [section 700.090 or this section] **sections 700.010 to 700.115.** Notification of unfavorable action by the commission on any application for registration or renewal of registration must be delivered to the applicant within thirty days from date it is received by the commission. Notification of unfavorable action by the commission on any application for registration or renewal of registration must be accompanied by a notice informing the recipient that the decision of the commission may be appealed as provided in chapter 386, RSMo.

2. The commission may consider a complaint filed with it charging a registered manufacturer or dealer with a violation of the provisions of this section, which charges, if proven, shall constitute grounds for

revocation or suspension of his registration, or the placing of the registered manufacturer or dealer on probation.

3. The following specifications shall constitute grounds for the suspension, revocation or placing on probation of a manufacturer's or dealer's registration:

- (1) If required, failure to comply with the provisions of section 301.280, RSMo;
- (2) Failing to be in compliance with the provisions of section 700.090;
- (3) If a corporation, failing to file all franchise or sales tax forms required by Missouri law;
- (4) Engaging in any conduct which constitutes a violation of the provisions of section 407.020, RSMo;
- (5) Failing to comply with the provisions of Sections 2301-2312 of Title 15 of the United States Code (Magnuson-Moss Warranty Act);
- (6) As a dealer, failing to arrange for the proper initial setup of any new manufactured home or modular unit sold from or in the state of Missouri, [unless] **except as allowed under subsection 5 of section 700.656**; the dealer [receives] **shall receive** a written waiver of that service from the purchaser or his or her authorized agent;
- (7) Requiring any person to purchase any type of insurance from that manufacturer or dealer as a condition to his being sold any manufactured home or modular unit;
- (8) Requiring any person to arrange financing or utilize the services of any particular financing service as a condition to his being sold any manufactured home or modular unit; provided, however, the registered manufacturer or dealer may reserve the right to establish reasonable conditions for the approval of any financing source;
- (9) Engaging in conduct in violation of section 700.045;
- (10) Failing to comply with the provisions of section 301.210, RSMo;
- (11) Failing to pay all necessary fees and assessments authorized pursuant to sections 700.010 to 700.115.

4. The commission may order that any suspension, revocation, or probation ordered under subsection 3 of this section shall apply to all manufacturer's or dealer's registrations that are held by the same manufacturer or dealer or that are owned or controlled by the same person or persons if a continued and consistent pattern of the violations have been identified by the commission to be present with each licensee under the same control or ownership.

700.115. 1. Except as otherwise provided in subsections 2 and 3 of this section, a violation of the provisions of sections 700.010 to 700.115 shall constitute a violation of the provisions of section 407.020, RSMo. In addition to the authority vested in the attorney general to enforce the provisions of that section, he may petition the court and the court may enter an order revoking the registration certificate of the defendant or defendants issued pursuant to the provisions of section 700.090.

2. Notwithstanding any provisions of subsection 1 of this section to the contrary, whoever violates any provision of this chapter shall be liable to the state of Missouri for a civil penalty in an amount which shall not exceed one thousand dollars for each such violation. **If, after a hearing, the commission finds that the person has violated any provision of this chapter, it may direct its general counsel to enforce the**

provisions of this section by filing a petition in circuit court for such civil penalties. Each violation of this chapter shall constitute a separate violation with respect to each manufactured home or **modular unit** or with respect to each failure or refusal to allow or perform an act required by this chapter; except that, the maximum civil penalty may not exceed one million dollars for any related series of violations occurring within one year from the date of the first violation.

3. Any individual or director, officer, or agent of a corporation who knowingly and willfully violates any provision of sections 700.010 to 700.115, in a manner which threatens the health or safety of any purchaser, shall, upon conviction therefor, be fined not more than one thousand dollars or imprisoned for not more than one year, or both.

700.525. As used in sections 700.525 to 700.541, the following terms mean:

(1) “Abandoned”, a physical absence from the property, and either:

(a) Failure by a renter of real property to pay any required rent for fifteen consecutive days, along with the discontinuation of utility service to the rented property for such period; or

(b) Indication of or notice of abandonment of real property rented from a landlord;

(2) “Manufactured home”, a factory-built structure as defined in subdivision [(5)] (6) or [(7)] (8) of section 700.010.

700.650. 1. Sections 700.650 to 700.692 shall be known and may be cited as the “Manufactured Home Installation Act”.

2. For the purposes of sections 700.650 to 700.692, the following terms shall mean:

(1) “Applicant”, a person who applies to the commission for a license or limited-use license to install manufactured homes;

(2) “Commission”, the Missouri public service commission;

(3) “Dealer”, any person, other than a manufacturer, who sells or offers for sale four or more **used homes or one or more new** manufactured homes, **or one or more new modular units** in any consecutive twelve-month period;

(4) “Installation”, work undertaken at the place of occupancy to ensure the proper initial setup of a manufactured home which shall include the joining of all sections of the home, installation of stabilization, support, and leveling systems, assembly of multiple or expanded units, and installation of applicable utility hookups and anchoring systems that render the home fit for habitation;

(5) “Installation standards”, reasonable specifications for the installation of a manufactured home;

(6) “Installer”, an individual who is licensed by the commission to install manufactured homes, pursuant to sections 700.650 to [700.680] **700.692**;

(7) “Manufactured home”, a manufactured home as that term is defined in subdivision [(5)] (6) of section 700.010;

(8) “Manufacturer”, any person who manufactures manufactured homes, including persons who engage in importing manufactured homes for resale; and

(9) “Person”, an individual, partnership, corporation, or other legal entity.”; and

Further amend said Substitute, Page 135, Line 52, by inserting immediately after said line the following:

“[700.070. Effective November 27, 1973, all purchasers of manufactured homes shall, within thirty days from the date of occupancy, anchor and secure the manufactured home in accordance with the standards promulgated by the commission pursuant to the provisions of sections 700.010 to 700.115.]

[700.450. As used in sections 700.450 to 700.470, the following terms shall mean:

- (1) “Commission”, the public service commission;
- (2) “Dealer”, any person, including, but not limited to, real estate brokers and salespersons, other than a manufacturer, who sells or offers for sale four or more manufactured homes in any consecutive twelve-month period;
- (3) “Manufactured home”, a factory-built structure or structures which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, contains three hundred twenty or more square feet, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. The phrase “without a permanent foundation” indicates that the support system is constructed with the intent that the manufactured home placed thereon may be moved from time to time at the convenience of the owner;
- (4) “Manufacturer”, any person who manufactures manufactured homes, including persons who engage in importing manufactured homes for resale;
- (5) “Person”, any individual, partnership, corporation or other legal entity.]

[700.455. 1. Every dealer shall, on or before January fifteenth of each year, instead of registering each manufactured home dealt in, make a verified application, upon a blank for such purpose to be furnished by the commission, for a distinctive number for all the manufactured homes dealt in or controlled by such dealer. The application shall contain, but need not be limited to:

(1) When the applicant is a partnership, the name and address of each partner, or, when the applicant is a corporation, the names of the principal officers of the corporation and the state in which it is incorporated. The application shall be verified by the oath or affirmation of the applicant, if an individual, or in the event an applicant is a partnership or corporation, then by a partner or officer;

(2) A bona fide established place of business shall be required for every dealer. A bona fide established place of business for any dealer shall include a permanent enclosed building or structure, either owned in fee or leased and actually occupied as a place of business by the applicant for the selling, bartering, trading or exchanging of manufactured homes, where the public may contact the owner or operator at any reasonable time and where the books, records, files and other matters required and necessary to conduct the business shall be kept and maintained.

2. The application shall contain the business address, not a post-office box, and telephone number

of the place where the books, records, files and other matters required and necessary to conduct the business are located and where the same may be inspected during normal daytime business hours.

3. Each application shall contain such additional information as may be required by the commission to enable it to determine whether the applicant is a bona fide dealer in fact and is of good moral character.

4. On the payment of a registration fee of fifty dollars there shall be assigned to each dealer a certificate of registration in such form as the commission shall prescribe.]

[700.460. 1. Each person registered as a dealer pursuant to the provisions of sections 700.450 to 700.470 shall file monthly reports with the commission, which reports shall be in the form and manner and contain the information required by the commission by rules promulgated pursuant to chapter 536, RSMo, and shall permit an employee of the commission or any law enforcement official to inspect, during normal business hours, any of the following documents which are in his possession or under his custody or control:

- (1) Any title to any manufactured home;
- (2) Any application for title to any manufactured home;
- (3) Any affidavit provided pursuant to chapter 301 or 407, RSMo;
- (4) Any assignment of title to any manufactured home;
- (5) Any disclosure statement or other document required by the laws of the United States or any other state.

2. For purposes of this section, the term "law enforcement official" shall mean any of the following:

- (1) Attorney general, or any person designated by him to make such an inspection;
- (2) Any prosecuting attorney or any person designated by a prosecuting attorney to make such an inspection;
- (3) Any member of the highway patrol;
- (4) Any sheriff or deputy sheriff;
- (5) Any peace officer certified pursuant to chapter 590, RSMo, acting in his official capacity.]

[700.465. No insurance company, finance company, bank or trust company shall be required to register with the commission in order to sell any manufactured home repossessed or purchased by the company on the basis of total destruction or theft thereof when the sale of the manufactured home is in conformance with applicable title and registration laws of this state.]

[700.470. 1. The commission may refuse to register an applicant as a dealer, or may suspend the registration of an existing dealer from one day to thirty days, or revoke the registration of a dealer, after a written notice and a hearing when he is satisfied that the applicant or dealer has failed to comply with the provisions set out in sections 700.450 to 700.470. Notification of unfavorable action by the commission on any application for registration or renewal of registration must be accompanied by a notice informing the recipient that the decision of the director may be

appealed as provided in chapter 536, RSMo.

2. It shall be unlawful for any person to hold forth or act as a dealer who is not currently registered as a dealer by the commission as required by sections 700.450 to 700.470.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SBs 818** and **795**, entitled:

An Act to repeal sections 160.261, 565.090, and 565.225, RSMo, and to enact in lieu thereof three new sections relating to crimes of harassment, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 765** and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 765**.

Bill ordered enrolled.

Senator Shields announced that photographers from the St. Louis Post Dispatch, Associated Press and KOLR/KSFX were given permission to take pictures in the Senate Chamber today.

PRIVILEGED MOTIONS

Senator Scott moved that **SCS** for **SB 788**, with **HA 1**, **HA 2** and **HA 3** be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel—31	

NAYS—Senators

Justus Wilson—2

Absent—Senator Champion—1

Absent with leave—Senators—None

Vacancies—None

HA 2 was taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel—30		

NAYS—Senators

Justus Wilson—2

Absent—Senators

Champion Coleman—2

Absent with leave—Senators—None

Vacancies—None

HA 3 was taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Justus—1

Absent—Senator Champion—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Scott **SCS** for **SB 788**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Justus—1

Absent—Senator Champion—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Engler, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SBs 1181, 1100, 1262** and **1263**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1181, 1100, 1262 & 1263

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1181, 1100, 1262 & 1263, with House Amendment Nos. 1, 2, 3, 4, 5, and 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1181, 1100, 1262 & 1263, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 1181, 1100, 1262 & 1263;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1181, 1100, 1262 & 1263, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Kevin Engler
/s/ Dan Clemens
/s/ Jack A.L. Goodman
/s/ Joan Bray
/s/ Maida J. Coleman

FOR THE HOUSE:

/s/ Billy Pat Wright
/s/ Shane Schoeller
/s/ Ed Emery
/s/ Regina M. Walsh
/s/ Trent Skaggs

Senator Engler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Mayer	McKenna	Nodler	Ridgeway	Rupp	Shields
Shoemyer	Smith	Vogel	Wilson—28				

NAYS—Senators

Bartle	Crowell	Loudon	Purgason	Scott	Stouffer—6
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Engler, **CCS** for **HCS** for **SCS** for **SBs 1181, 1100, 1262** and **1263**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1181, 1100, 1262 & 1263

An Act to repeal sections 8.800, 8.810, 8.812, 8.815, 8.837, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 64.170, and 143.121, RSMo, and to enact in lieu thereof thirty new sections relating to energy regulation, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Mayer	McKenna	Nodler	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senators

Bartle	Crowell	Loudon	Purgason—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Shields announced that photographers from KRCG-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

Senator Coleman, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 720**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 720

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 720, with House Amendment No. 2 and Parts I, II, III, and IV of House Amendment No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 720, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 720;
3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 720 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Maida J. Coleman
/s/ Kevin Engler
/s/ Tom Dempsey
/s/ Brad Lager
/s/ Frank A. Barnitz

FOR THE HOUSE:

/s/ Jason Smith
/s/ Ed Emery
/s/ Shane Schoeller
/s/ Trent Skaggs
/s/ Regina M. Walsh

Senator Coleman moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Green	Griesheimer	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators

Bray Graham Justus—3

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Coleman, **CCS No. 2** for **HCS** for **SCS** for **SB 720**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE No. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 720

An Act to repeal sections 660.115 and 660.135, RSMo, and to enact in lieu thereof nineteen new sections relating to utilities, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators

Bray Justus—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Mayer moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 1170**, as amended by **HA 1**, and ask the House to recede from its position on **HA 1** and take up and pass **HCS** for **SCS** for **SB 1170**, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **HCS** for **HBs 1549, 1771, 1395** and **2366**, as amended and has taken up and passed **CCS** for **SS** for **HCS** for **HBs 1549, 1771, 1395** and **2366**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HB 2224** and has taken up and passed **CCS** for **SS** for **SCS** for **HB 2224**.

Senator Loudon assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Rupp, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HCS** for **HBs 1549, 1771, 1395** and **2366** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NOS. 1549, 1771, 1395 & 2366

The Conference Committee appointed on Senate Substitute for House Committee Substitute for House Bill Nos. 1549, 1771, 1395 & 2366, with Senate Amendment Nos. 4, 5, 6, 7, 8, 9, Senate Substitute Amendment No. 1 for Senate Amendment No. 10, Senate Amendment Nos. 11, 17, 19, and 20, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Committee Substitute for House Bill Nos. 1549, 1771, 1395 & 2366, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill Nos. 1549, 1771, 1395 & 2366;

3. That the attached Conference Committee Substitute for Senate Substitute for House Committee Substitute for House Bill Nos. 1549, 1771, 1395 & 2366, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Bob Onder

/s/ Jerry Nolte

/s/ Brian Nieves

Michael Talboy

Ed Wildberger

FOR THE SENATE:

/s/ Scott T. Rupp

/s/ Jason Crowell

/s/ Kevin Engler

/s/ Timothy P. Green

/s/ Ryan McKenna

Senator Rupp moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Dempsey	Engler
Gibbons	Goodman	Graham	Green	Griesheimer	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott	Shields
Shoemyer	Stouffer	Vogel—27					

NAYS—Senators

Bray	Coleman	Days	Justus	Kennedy	Smith	Wilson—7
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Rupp, **CCS** for **SS** for **HCS** for **HBs 1549, 1771, 1395** and **2366**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1549, 1771, 1395 and 2366

An Act to repeal sections 8.283, 302.720, and 544.470, RSMo, and to enact in lieu thereof twenty-four new sections relating to illegal aliens, with penalty provisions, and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Dempsey	Engler
Gibbons	Goodman	Graham	Green	Griesheimer	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott	Shields
Shoemyer	Stouffer	Vogel—27					

NAYS—Senators

Bray	Coleman	Days	Justus	Kennedy	Smith	Wilson—7
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Shields assumed the Chair.

Senator Coleman assumed the Chair.

Senator Griesheimer, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 2224** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2224

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Bill No. 2224 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 2224;
2. That the House recede from its position on House Bill No. 2224;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 2224, be Third Read and Finally Passed.

FOR THE HOUSE:

Vicki Schneider
/s/ Kenny Jones
/s/ Mike L. Parson
/s/ Jeffrey Roorda
/s/ Rodney R. Hubbard

FOR THE SENATE:

/s/ John E. Griesheimer
/s/ Robert N. Mayer
/s/ Jason Crowell
/s/ Wes Shoemyer
/s/ Ryan McKenna

Senator Griesheimer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Crowell	Dempsey	Engler	Gibbons
Goodman	Graham	Griesheimer	Justus	Kennedy	Koster	Lager	Mayer
McKenna	Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—24

NAYS—Senators

Bartle	Bray	Coleman	Days	Green	Loudon	Nodler	Purgason
Ridgeway	Smith—10						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Griesheimer, **CCS** for **SS** for **SCS** for **HB 2224**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2224

An Act to repeal sections 57.280, 488.435, 590.050, and 650.350, RSMo, and to enact in lieu thereof five new sections relating to the training and compensation of law enforcement officers.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Crowell	Dempsey	Engler	Gibbons
Goodman	Graham	Griesheimer	Justus	Kennedy	Koster	Lager	Mayer
McKenna	Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—24

NAYS—Senators

Bartle	Bray	Coleman	Days	Green	Loudon	Nodler	Purgason
Ridgeway	Smith—10						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Kennedy, on behalf of the conference committee appointed to act with a like committee from the House on **HCS No. 2** for **SS** for **SCS** for **SB 718**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 718

The Conference Committee appointed on House Committee Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, with House Amendment Nos. 1, 2, and 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendment Nos. 5, 6, and 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, as amended;
2. The Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 718;
3. That the attached Conference Committee Substitute for House Committee Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Harry Kennedy
 /s/ John E. Griesheimer
 /s/ Jack A.L. Goodman
 /s/ Kevin Engler
 /s/ Frank A. Barnitz

FOR THE HOUSE:

/s/ David Pearce
 /s/ Ron Richard
 /s/ Tim Flook
 Rachel Storch
 /s/ Michael Brown

Senator Kennedy moved that the above conference committee report be adopted.

At the request of Senator Kennedy, the above motion was withdrawn.

PRIVILEGED MOTIONS

Senator Nodler moved that **SCS** for **SB 1081**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 1081**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 1081

An Act to repeal sections 210.900, 210.903, 210.906, 210.909, 210.915, 210.921, 210.927, 537.037, 630.045, 630.050, 630.140, 630.165, 630.167, 630.170, 630.175, 632.005, 632.440, and 633.005, RSMo, and to enact in lieu thereof twenty-three new sections relating to quality assurance and safety in the division of mental retardation and developmental disabilities community programs, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Nodler moved that **HCS** for **SCS** for **SB 1081** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Nodler, **HCS** for **SCS** for **SB 1081** was read the 3rd time and passed by the

following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Loudon moved that **SB 932**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 932**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 932

An Act to repeal sections 590.050 and 650.120, RSMo, and to enact in lieu thereof two new sections

relating to Internet sex crimes investigation grant program.

Was taken up.

Senator Loudon moved that **HCS for SB 932**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Loudon, **HCS for SB 932**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators

Bray Justus—2

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Shields, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 1288**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1288**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 1288, with House Amendment No. 1, House Amendment No. 2 to House Amendment No. 2, House Amendment No. 3 to House Amendment No. 2, House Amendment No. 2 as amended, and House Amendment No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 1288, as amended;
2. The Senate recede from its position on Senate Bill No. 1288;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 1288, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Charlie Shields
/s/ Michael R. Gibbons
/s/ Jack A.L. Goodman
Maida Coleman
/s/ Harry Kennedy

FOR THE HOUSE:

/s/ Shannon Cooper 120
/s/ Bob May 149
/s/ Stanley Cox 118
/s/ Michael Frame
Beth Low

Senator Shields moved that the above conference committee report be adopted.

At the request of Senator Shields, the above motion was withdrawn.

Senator Shields moved that the Senate refuse to adopt the Conference Committee Report on **HCS** for **SB 1288** and request the House to recede from its position on the **HCS**, as amended, and take up and pass **SB 1288**, which motion prevailed.

Senator Rupp assumed the Chair.

Senator Kennedy moved that the **CCR** on **HCS No. 2** for **SS** for **SCS** for **SB 718** be taken up, which motion prevailed.

Senator Kennedy moved the adoption of the **CCR**, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Bartle—1

Absent—Senator Engler—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Kennedy, **CCS** for **HCS No. 2** for **SS** for **SCS** for **SB 718**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 718

An Act to repeal sections 32.105, 67.1501, 67.1545, 94.900, 94.902, 99.820, 135.815, 135.967, 137.115, 447.708, 620.1878, and 620.1881, RSMo, section 99.825 as enacted by senate committee substitute for house committee substitute for house bill no. 741, ninety-fourth general assembly, first regular session, and section 99.825 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, and to enact in lieu thereof fifteen new sections relating to tax incentives for business development.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators

Bartle Purgason—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Bartle assumed the Chair.

Photographers from the Columbia Daily Tribune were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HCS for **HB 2041**, with **SCS**, entitled:

An Act to repeal section 288.250, RSMo, and to enact in lieu thereof one new section relating to the disclosure of confidential unemployment information, with a penalty provision.

Was called from the Informal Calendar and taken up by Senator Scott.

SCS for **HCS** for **HB 2041**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2041**

An Act to repeal sections 178.585, 288.040, 288.042, 288.070, 288.250, and 290.505, RSMo, and to enact in lieu thereof eight new sections relating to employment, with penalty provisions, an effective date for certain sections, and an emergency clause for a certain section.

Was taken up.

Senator Scott moved that **SCS** for **HCS** for **HB 2041** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2041, Page 14, Section 288.070, Line 124, by inserting after all of said line the following:

“288.131. For calendar years 2009, 2010, and 2011, each employer that is liable for contributions under this chapter, except employers with a contribution rate equal to zero, shall pay an annual unemployment automation surcharge in an amount equal to five one-hundredths of one percent of such employer's total taxable wages for the twelve-month period ending the preceding June thirteenth. However, the division may reduce the foregoing percentage to ensure that the total amount of surcharge due from all employers under this subsection shall not exceed thirteen million dollars annually. Each employer liable to pay such surcharge shall be notified of the amount due under this subsection by March thirty-first of each year and such amount shall be considered delinquent thirty days thereafter. Delinquent unemployment automation surcharge amounts may be collected in the manner provided under sections 288.160 and 288.170. All moneys collected under this subsection shall be deposited in the unemployment automation fund established in section 288.312.

2. For calendar years 2009, 2010, and 2011, the otherwise applicable unemployment contribution rate of each employer liable for contributions under this chapter shall be reduced by five one-hundredths of one percent, except such contribution rate shall not be less than zero.”; and

Further amend said bill, page 15, section 288.250, line 30, by inserting after all of said line the following:

“288.312. 1. There is hereby created in the state treasury the “Unemployment Automation Fund”, with shall consist of money collected under subsection 1 of section 288.131, and such other state funds appropriated by the general assembly. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon

appropriation, money in the fund shall be used solely for the purpose of providing automated systems, and the payment of associated costs, to improve the administration of the state's unemployment insurance program. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, all moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and money earned on such investments shall be credited to the fund.

2. The unemployment automation fund shall not be used in whole or in part for any purpose or in any manner that would permit its substitution for, or a corresponding reduction in, federal funds that would be available in its absence to finance expenditures for the administration of this chapter, or cause the appropriate agency of the United States government to withhold any part of an administrative grant which would otherwise be made.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SCS for HCS for HB 2041**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SCS for HCS for HB 2041**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Koster—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Koster—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Rupp moved that **SS** for **SCS** for **SB 818** and **795**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SBs 818** and **795**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 818 and 795

An Act to repeal sections 160.261, 565.090, and 565.225, RSMo, and to enact in lieu thereof three new sections relating to crimes of harassment, with penalty provisions.

Was taken up.

Senator Rupp moved that **HCS** for **SS** for **SCS** for **SBs 818** and **795** be adopted.

At the request of Senator Rupp, the above motion was withdrawn.

HOUSE BILLS ON THIRD READING

HB 1628, introduced by Representative Cooper (120), entitled:

An Act to repeal section 142.869, RSMo, and to enact in lieu thereof one new section relating to alternative fuel decals, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 1628** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1670, introduced by Representative Cooper (120), entitled:

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales tax exemptions for certain equipment.

Was called from the Consent Calendar and taken up by Senator Dempsey.

On motion of Senator Dempsey, **HB 1670** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Photographers from KSDK-TV and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

HB 1828, introduced by Representative Sutherland, entitled:

An Act to repeal section 144.270, RSMo, and to enact in lieu thereof one new section relating to sales and use tax regulations.

Was called from the Consent Calendar and taken up by Senator Vogel.

On motion of Senator Vogel, **HB 1828** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
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Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1410, introduced by Representative Flook, et al, entitled:

An Act to repeal sections 84.480 and 84.510, RSMo, and to enact in lieu thereof two new sections relating to certain police officers' compensation.

Was called from the Consent Calendar and taken up by Senator Ridgeway.

Under the provisions of Senate Rule 91, Senator Wilson was excused from voting.

Senator Ridgeway moved that **HB 1410** be read the 3rd time and finally passed.

At the request of Senator Ridgeway, the above motion was withdrawn, which placed the bill back on the Consent Calendar.

HCS for **HB 1888**, entitled:

An Act to repeal sections 89.080, 89.090, and 305.410, RSMo, and to enact in lieu thereof three new sections relating to airport zoning.

Was called from the Consent Calendar and taken up by Senator Clemens.

On motion of Senator Clemens, **HCS** for **HB 1888** was read the 3rd time and passed by the following vote:

YEAS—Senators							
Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senators—None

Absent—Senator Crowell—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1368, introduced by Representative Thomson, entitled:

An Act to repeal section 174.332, RSMo, and to enact in lieu thereof one new section relating to Northwest Missouri State University.

Was called from the Consent Calendar and taken up by Senator Lager.

On motion of Senator Lager, **HB 1368** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Crowell—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1869, introduced by Representative Wilson (130), et al, entitled:

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to junior colleges.

Was called from the Consent Calendar and taken up by Senator Goodman.

On motion of Senator Goodman, **HB 1869** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Days
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Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Crowell—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 2213, introduced by Representative Kraus, et al, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of parent and family involvement in education week.

Was called from the Consent Calendar and taken up by Senator Shields.

On motion of Senator Shields, **HB 2213** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Days
Dempsey	Engler	Gibbons	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Crowell Goodman—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1354, introduced by Representative Wilson (119), et al, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to exempting certain types of vehicles from registration and licensing laws.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 1354** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Crowell—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 1575**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway designation.

Was called from the Consent Calendar and taken up by Senator Vogel.

On motion of Senator Vogel, **HCS** for **HB 1575** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1952, introduced by Representative Loehner, et al, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial bridge.

Was called from the Consent Calendar and taken up by Senator Barnitz.

On motion of Senator Barnitz, **HB 1952** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Barnitz, title to the bill was agreed to.

Senator Barnitz moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1887, introduced by Representative Parson, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 1887** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer

Vogel Wilson—34

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 2360**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway designation.

Was called from the Consent Calendar and taken up by Senator Lager.

On motion of Senator Lager, **HCS** for **HB 2360** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1426, introduced by Representative Kraus, entitled:

An Act to repeal section 392.410, RSMo, and to enact in lieu thereof one new section relating to the

public service commission.

Was called from the Consent Calendar and taken up by Senator Green.

On motion of Senator Green, **HB 1426** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Lager—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Green, title to the bill was agreed to.

Senator Green moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1608, introduced by Representative Ervin, entitled:

An Act to repeal section 50.172, RSMo, and to enact in lieu thereof one new section relating to preservation of county documents.

Was called from the Consent Calendar and taken up by Senator Ridgeway.

On motion of Senator Ridgeway, **HB 1608** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer

Vogel
Wilson—34

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 2233, introduced by Representative Page, et al, entitled:

An Act to repeal section 105.452, RSMo, and to enact in lieu thereof one new section relating to prohibited acts by public officials and employees.

Was called from the Consent Calendar and taken up by Senator Shields.

On motion of Senator Shields, **HB 2233** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1419, introduced by Representative Portwood, entitled:

An Act to repeal section 324.265, RSMo, and to enact in lieu thereof one new section relating to massage therapy.

Was called from the Consent Calendar and taken up by Senator Loudon.

On motion of Senator Loudon, **HB 1419** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Coleman Kennedy Scott—3

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1791, introduced by Representative Cooper (155), et al, entitled:

An Act to repeal section 632.005, RSMo, and to enact in lieu thereof one new section relating to licensed professional counselors.

Was called from the Consent Calendar and taken up by Senator Barnitz.

On motion of Senator Barnitz, **HB 1791** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Kennedy Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Barnitz, title to the bill was agreed to.

Senator Barnitz moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 1380, entitled:

An Act to repeal section 67.993, RSMo, and to enact in lieu thereof one new section relating to senior citizens' services.

Was called from the Consent Calendar and taken up by Senator Goodman.

On motion of Senator Goodman, **HCS for HB 1380** was read the 3rd time and passed by the following

vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 2036, entitled:

An Act to repeal section 660.099, RSMo, and to enact in lieu thereof one new section relating to appropriation of funds for certain services for the elderly.

Was called from the Consent Calendar and taken up by Senator Stouffer.

On motion of Senator Stouffer, **HCS for HB 2036** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1849, introduced by Representatives Pratt and Curls, entitled:

An Act to repeal section 89.120, as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 89.120, as enacted by senate committee substitute for house bill no. 1352, eighty-ninth general assembly, second regular session, and to enact in lieu thereof one new section relating to zoning violation remedies, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Justus.

On motion of Senator Justus, **HB 1849** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1469, introduced by Representative Pratt, entitled:

An Act to repeal sections 621.250 and 640.013, RSMo, and to enact in lieu thereof two new sections relating to the administrative hearing commission.

Was called from the Consent Calendar and taken up by Senator Goodman.

On motion of Senator Goodman, **HB 1469** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer

Vogel Wilson—34

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1710, introduced by Representative Flook, entitled:

An Act to repeal sections 86.1180, 86.1200, and 86.1560, RSMo, and section 86.1230 as enacted by senate bill no. 172, ninety-fourth general assembly, first regular session, and section 86.1230 as enacted by conference committee substitute no. 2 for house committee substitute no. 2 for senate bill no. 406, ninety-fourth general assembly, first regular session, and to enact in lieu thereof four new sections relating to police retirement.

Was called from the Consent Calendar and taken up by Senator Ridgeway.

Under the provisions of Senate Rule 91, Senator Wilson was excused from voting.

On motion of Senator Ridgeway, **HB 1710** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel—32

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—None

Excused from voting—Senator Wilson—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1784, introduced by Representative Meadows, et al, entitled:

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to flags flown over state buildings.

Was called from the Consent Calendar and taken up by Senator McKenna.

On motion of Senator McKenna, **HB 1784** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1313, introduced by Representative Wright, et al, entitled:

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to state purchasing.

Was called from the Consent Calendar and taken up by Senator Mayer.

On motion of Senator Mayer, **HB 1313** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 1893, entitled:

An Act to repeal section 385.050, RSMo, and to enact in lieu thereof one new section relating to premium refund calculations for credit insurance.

Was called from the Consent Calendar and taken up by Senator Dempsey.

On motion of Senator Dempsey, **HCS for HB 1893** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1881, introduced by Representative Schlottach, entitled:

An Act to repeal section 247.060, RSMo, and to enact in lieu thereof one new section relating to county water supply districts.

Was called from the Consent Calendar and taken up by Senator Kennedy.

On motion of Senator Kennedy, **HB 1881** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HJR 70** and **SS** for **SCS** for **HB 2081**, begs leave to report that it has considered the same and recommends that the joint resolution and bill do pass.

HOUSE BILLS ON THIRD READING

Senator Callahan moved that **SS** for **SCS** for **HB 2081**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage.

SS for **SCS** for **HB 2081**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Coleman	Crowell	Days
Dempsey	Gibbons	Goodman	Green	Griesheimer	Justus	Koster	Loudon
McKenna	Nodler	Purgason	Rupp	Scott	Shoemyer	Smith	Stouffer
Vogel—25							

NAYS—Senators

Champion	Engler	Graham	Kennedy	Lager	Mayer	Ridgeway	Shields
Wilson—9							

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Koster	Lager	Loudon	McKenna	Purgason	Rupp	Scott	Shoemyer
Smith	Stouffer	Vogel	Wilson—28				

NAYS—Senators

Champion	Kennedy	Mayer	Nodler	Ridgeway	Shields—6
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Callahan, title to the bill was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has receded from its position on **HA 1** to **HCS** for **SCS** for **SB 1170** and has taken up and adopted **HCS** for **SCS** for **SB 1170** and has taken up and passed **HCS** for **SCS** for **SB 1170**.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Mayer moved that **SCS** for **SBs 753, 728, 906 and 1026**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 753, 728, 906 and 1026**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 753, 728, 906 and 1026

An Act to amend chapter 227, RSMo, by adding thereto four new sections relating to the designation of memorial highways.

Was taken up.

Senator Mayer moved that **HCS** for **SCS** for **SBs 753, 728, 906 and 1026** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **HCS** for **SCS** for **SBs 753, 728, 906 and 1026** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Wilson moved that **SCS** for **SB 1131**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 1131**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1131

An Act to repeal sections 94.577, 94.600, and 94.605, RSMo, and to enact in lieu thereof three new

sections relating to transportation sales taxes.

Was taken up.

Senator Wilson moved that **HCS** for **SCS** for **SB 1131** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Dempsey	Engler
Gibbons	Goodman	Green	Griesheimer	Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Shields	Smith
Stouffer	Vogel	Wilson—27					

NAYS—Senators—None

Absent—Senators

Barnitz	Coleman	Days	Graham	Rupp	Scott	Shoemyer—7
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Wilson, **HCS** for **SCS** for **SB 1131** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Dempsey	Engler	Gibbons
Goodman	Green	Griesheimer	Justus	Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Shields	Stouffer
Vogel	Wilson—26						

NAYS—Senators—None

Absent—Senators

Barnitz	Coleman	Crowell	Days	Graham	Scott	Shoemyer	Smith—8
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wilson, title to the bill was agreed to.

Senator Wilson moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Justus moved that **SB 1002**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 1002, entitled:

**HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1002**

An Act to repeal section 89.120, as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 89.120, as enacted by senate committee substitute for house bill no. 1352, eighty-ninth general assembly, second regular session, and to enact in lieu thereof one new section relating to zoning violation remedies, with penalty provisions.

Was taken up.

Senator Justus moved that **HCS for SB 1002** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Barnitz	Coleman	Kennedy—3
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Justus, **HCS for SB 1002** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Barnitz	Coleman	Kennedy—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Mayer moved that **SCS** for **SB 1170**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 1170**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1170

An Act to repeal section 177.088, RSMo, and to enact in lieu thereof two new sections relating to education boards and commissions, with an emergency clause for a certain section.

Was taken up.

Senator Mayer moved that **HCS** for **SCS** for **SB 1170** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Green	Griesheimer	Justus	Koster	Lager
Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Barnitz	Coleman	Graham	Kennedy—4
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **HCS** for **SCS** for **SB 1170** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Green	Griesheimer	Justus	Koster	Lager
Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Barnitz	Coleman	Graham	Kennedy—4
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Green	Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Barnitz	Coleman	Graham	Smith—4
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Rupp moved that **SS** for **SCS** for **SBs 818** and **795**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SBs 818** and **795** was again taken up.

Senator Rupp moved that **HCS** for **SS** for **SCS** for **SBs 818** and **795**, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Green	Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Barnitz	Coleman	Graham	McKenna—4
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Rupp, **HCS** for **SS** for **SCS** for **SBs 818** and **795** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Mayer, on behalf of the conference committee appointed to act with a like committee from the House on **SB 1068**, with **HA 1** and **HA 3**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT FOR SENATE BILL NO. 1068

The Conference Committee appointed for Senate Bill No. 1068, with House Amendments Nos. 1 and 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Bill No. 1068, as amended;
2. The Senate recede from its position on Senate Bill No. 1068;
3. That the attached Conference Committee Substitute for Senate Bill No. 1068, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Robert N. Mayer

/s/ Kevin Engler

FOR THE HOUSE:

/s/ David Sater

/s/ Robert Schaaf

/s/ Brad Lager

/s/ Shalonn K. Curls

/s/ Wes Shoemyer

/s/ Terry Swinger

/s/ Harry Kennedy

/s/ Wayne Cooper

Senator Mayer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Barnitz McKenna—2

Absent with leave—Senators—None

Vacancies—None

President Pro Tem Gibbons assumed the Chair.

On motion of Senator Mayer, **CCS** for **SB 1068**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1068

An Act to amend chapter 338, RSMo, by adding thereto three new sections relating to pharmacy.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Champion moved that **SB 733**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 733**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 733

An Act to repeal section 650.100, RSMo, and to enact in lieu thereof two new sections relating to crime laboratories.

Was taken up.

Senator Champion moved that **HCS** for **SB 733** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Graham—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Champion, **HCS** for **SB 733** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer

Vogel
Wilson—34

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Ridgeway, on behalf of the conference committee appointed to act with a like committee from the House on **HCS No. 2** for **SB 976**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 976

The Conference Committee appointed on House Committee Substitute No. 2 for Senate Bill No. 976, with House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment Nos. 3, 4, 5, and 6, House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 7, House Substitute Amendment No. 1 for House Amendment No. 7, as amended, and House Amendment Nos. 8 and 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute No. 2 for Senate Bill No. 976, as amended;
2. The Senate recede from its position on Senate Bill No. 976;
3. That the attached Conference Committee Substitute for House Committee Substitute No. 2 for Senate Bill No. 976, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Luann Ridgeway
/s/ Matt Bartle
/s/ Jason Crowell
/s/ Maida J. Coleman
/s/ Jolie Justus

FOR THE HOUSE:

/s/ Bryan P. Stevenson
/s/ Tim Jones
/s/ Stanley B. Cox
/s/ John Burnett
/s/ Rachel L. Bringer

Senator Ridgeway moved that the above conference committee report be adopted.

At the request of Senator Ridgeway, the above motion was withdrawn.

HOUSE BILLS ON THIRD READING

HCS for **HBs 2062** and **1518**, with **SCS**, entitled:

An Act to repeal sections 41.1010, 42.007, 115.277, 160.053, 168.021, 170.011, and 620.515, RSMo, and to enact in lieu thereof fifteen new sections relating to members of the military and their families, with an emergency clause for certain sections.

Was called from the Informal Calendar and taken up by Senator Stouffer.

SCS for HCS for HBs 2062 and 1518, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 2062 and 1518

An Act to repeal sections 41.1010, 42.007, 115.277, 160.053, 168.021, 170.011, and 620.515, RSMo, and to enact in lieu thereof sixteen new sections relating to members of the military and their families, with an emergency clause for certain sections.

Was taken up.

Senator Stouffer moved that **SCS for HCS for HBs 2062 and 1518** be adopted.

Senator Stouffer offered **SS for SCS for HCS for HBs 2062 and 1518**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 2062 & 1518

An Act to repeal sections 41.1010, 42.007, 115.277, 143.124, 160.053, 168.021, 170.011, and 620.515, RSMo, and to enact in lieu thereof sixteen new sections relating to the provision of benefits to certain public employees, with an emergency clause for certain sections.

Senator Stouffer moved that **SS for SCS for HCS for HBs 2062 and 1518** be adopted.

Senator Stouffer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 2062 and 1518, Pages 57-61, Section 173.234, by striking all of said section and inserting in lieu thereof the following:

“173.234. 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

- (1) “Board”, the coordinating board for higher education;**
- (2) “Books”, any books required for any course for which tuition was paid by a grant awarded under this section;**
- (3) “Grant”, the war veteran's survivors grant as established in this section;**
- (4) “Institution of postsecondary education”, any approved Missouri public institution of postsecondary education, as defined in section 173.205;**
- (5) “Survivor”, a child or spouse of a war veteran;**
- (6) “Tuition”, any tuition or incidental fee, or both, charged by an institution of postsecondary education for attendance at the institution by a student as a resident of this state. The tuition grant**

shall not exceed the amount of tuition charged a Missouri resident at the University of Missouri-Columbia for attendance;

(7) “War veteran”, a person who served in armed combat in the military and to whom the following criteria shall apply:

(a) The veteran was a Missouri resident when first entering the military service and at the time of death or injury; and

(b) The veteran dies as a result of combat action or the veteran's death was certified by a Veterans' Administration medical authority to be attributable to an illness that was contracted while serving in combat, or who became eighty percent disabled as a result of injuries or accidents sustained in combat action.

2. Within the limits of the amounts appropriated therefor, the coordinating board for higher education shall award annually up to twenty-five grants to survivors of war veterans to attend institutions of postsecondary education in this state, which shall continue to be awarded annually to eligible recipients as long as the recipient achieves and maintains a cumulative grade point average of at least two and one-half on a four point scale, or its equivalent. If the waiting list of eligible survivors exceeds fifty, the coordinating board may petition the general assembly to expand the quota. If the quota is not expanded, then the eligibility of survivors on the waiting list shall be extended.

3. A survivor may receive a grant under this section only so long as the survivor is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. In no event shall a survivor receive a grant beyond the completion of the first baccalaureate degree, regardless of age.

4. The coordinating board for higher education shall:

(1) Promulgate all necessary rules and regulations for the implementation of this section; and

(2) Provide the forms and determine the procedures necessary for a survivor to apply for and receive a grant under this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

6. In order to be eligible to receive a grant under this section, a survivor shall be certified as eligible by the Missouri veterans' commission. In the case of an illness-related death, such certification shall be made upon qualified medical certification by a Veterans' Administration medical authority that the illness was both a direct result of the veteran's combat service and a substantial factor in the cause of the resulting death of the veteran.

7. A survivor who is enrolled or has been accepted for enrollment as an undergraduate postsecondary student at an approved institution of postsecondary education, and who is selected to receive a grant under this section, shall receive the following:

(1) An amount not to exceed the actual tuition charged at the approved institution of

postsecondary education where the survivor is enrolled or accepted for enrollment;

(2) An allowance of up to two thousand dollars per semester for room and board; and

(3) The actual cost of books, up to a maximum of five hundred dollars per semester.

8. A survivor who is a recipient of a grant may transfer from one approved public institution of postsecondary education to another without losing his or her entitlement under this section. The board shall make necessary adjustments in the amount of the grant. If a grant recipient at any time withdraws from the institution of postsecondary education so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees, room and board, books, or other charges, the institution shall pay the portion of the refund to which he or she is entitled attributable to the grant for that semester or similar grading period to the board.

9. If a survivor is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the eligible survivor.

10. Nothing in this section shall be construed as a promise or guarantee that a person will be admitted to an institution of postsecondary education or to a particular institution of postsecondary education, will be allowed to continue to attend an institution of postsecondary education after having been admitted, or will be graduated from an institution of postsecondary education.

11. The benefits conferred by this section shall be available to any academically qualified surviving spouse or children of war veterans. Surviving children who are eligible shall be permitted to apply for full benefits conferred by this section until they reach twenty-five years of age.

12. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 2062 and 1518, Page 16, Section 143.124, Lines 4-8, by inserting immediately before the number “7.” the following: “[”]; and further amend line 8 by inserting immediately after the word “income.” the following: “]”; and

Further renumber the remaining subsections accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 2062 and 1518, Page 61, Section 173.234, Line 13, by inserting immediately after all of said line the following:

“313.057. 1. It is unlawful for any person, either as an owner, lessee or employee, to operate, carry on, conduct or maintain any form of manufacturing, selling, leasing or distribution of any bingo equipment or supplies without having first procured and maintained a Missouri bingo equipment and supplies manufacturer or supplier license.

2. The commission shall submit two sets of fingerprints for each key person, as defined in commission rules and regulations, of an entity or organization seeking issuance or renewal of a Missouri bingo equipment and supplies manufacturer or supplier license, for the purpose of checking the person's prior criminal history when the commission determines a nationwide check is warranted. The fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's criminal records division. The first set of fingerprints shall be used for searching the state repository of criminal history information. The second set of fingerprints shall be forwarded to the Federal Bureau of Investigation, Identification Division, for the searching of the federal criminal history files. The patrol shall notify the commission of any criminal history information or lack of criminal history information discovered on the individual. Notwithstanding the provisions of section 610.120, RSMo, all records related to any criminal history information discovered shall be accessible and available to the commission.

3. The holder of a state bingo license may, within two years of cessation of conducting bingo or upon specific approval by the commission, dispose of by sale in a manner approved by the commission, any or all of his bingo equipment and supplies, without a supplier's license. In case of foreclosure of a lien by a bank or other person holding a security interest for which bingo equipment is security in whole or in part for the lien, the commission may authorize the disposition of the bingo equipment without requiring a supplier's license.

4. Any person whom the commission determines to be a suitable person to receive a license pursuant to the provisions of this section may be issued a manufacturer's or supplier's license. The commission may require suppliers to post a bond with the commission in an amount and in the manner prescribed by the commission. The burden of proving his qualification to receive or hold a license pursuant to this section is at all times on the applicant or licensee.

5. The commission shall charge and collect from each applicant for a supplier's license a one-time application fee set by the commission, not to exceed five thousand dollars. The commission shall charge and collect an annual renewal fee for each supplier licensee not to exceed one thousand dollars.

6. The commission shall charge and collect from each applicant for a manufacturer's license a one-time application fee set by the commission, not to exceed one thousand dollars. The commission shall charge and collect an annual renewal fee for each manufacturer licensee not to exceed five hundred dollars.

7. The commission shall charge and collect from each applicant for a hall provider's license a one-time application fee set by the commission, not to exceed seven hundred fifty dollars. The commission shall charge and collect an annual renewal fee for each hall provider licensee not to exceed five hundred dollars.

8. All licenses issued pursuant to this section shall be issued for the calendar year and shall expire on December thirty-first of each year. Regardless of the date of application or issuance of the license, the fee to be charged and collected pursuant to this section shall be the full annual fee.

9. All license fees collected pursuant to this section shall be paid over immediately to the state treasurer to be deposited to the credit of the gaming commission bingo fund.

10. All licensees pursuant to this section shall maintain for a period of not less than three years full and complete records of all business carried on in this state and shall make same available for inspection to any duly authorized representative of the commission. If a supplier does not receive payment in full from an organization within thirty days of the delivery of bingo supplies, the supplier shall notify the commission in writing, or in a manner specified by the commission in its rules and regulations, of the delinquency. Upon receipt of the notice of delinquency, the commission shall notify all suppliers that until further notice from the commission, all sales of bingo supplies to the delinquent organizations shall be on a cash-only basis. Upon receipt of the notice from the commission, no supplier may extend credit to the delinquent organization until such time as the commission approves credit sales. If a manufacturer does not receive payment in full from a supplier within ninety days of the delivery of bingo supplies, the manufacturer shall notify the commission in writing, or in a manner specified by the commission in its rules and regulations, of the delinquency. Upon receipt of the notice of delinquency, the commission shall notify all manufacturers that until further notice from the commission, all sales of bingo supplies to the delinquent supplier shall be on a cash-only basis. Upon receipt of the notice from the commission, no manufacturer may extend credit to the delinquent supplier until such time as the commission approves credit sales.

11. [Until January 1, 1995, all suppliers shall pay a tax on all pull-tab cards distributed by them in the amount of ten dollars per box when sold by any organization licensed to conduct bingo pursuant to the provisions of sections 313.005 to 313.080. No box sold shall contain more than twenty-four hundred pull-tab cards. Beginning January 1, 1995, a tax is hereby imposed in the amount of two percent of the gross receipts of the retail sales value charged for each pull-tab card sold in Missouri to be paid by the supplier. The taxes, less two percent of the total amount paid which may be retained by the supplier, if timely filed and paid, shall be paid on a monthly basis to the commission by each supplier of pull-tabs and shall be due on the last day of each month following the month in which the pull-tabs were sold. The taxes shall be deposited in the state treasury, credited to the bingo proceeds for education fund.] All pull-tab cards sold by suppliers in this state shall bear on the face thereof the amount for which such pull-tab cards will be sold, and the license number of the supplier shall be printed on the inventory statement commonly called the flare, enclosed in each unit container. Each unit container shall contain cards printed in such a manner as to ensure that at least sixty percent of the gross revenues generated by the ultimate sale of such cards shall be returned to the final purchasers of such cards. [Any supplier who fails to pay the tax imposed pursuant to this subsection shall have his license issued pursuant to this section revoked and shall be guilty of a class A misdemeanor.]; and

Further amend said bill page 66, section 6, line 9 by inserting immediately after all of said line the following:

“[313.055. 1. A tax is hereby imposed on each organization conducting the game of bingo which awards to winners of bingo games prizes or merchandise having an aggregate retail value of more than five thousand dollars annually and more than one hundred dollars in any single day. The tax shall be in the amount of two-tenths of one cent upon each bingo card and progressive

bingo game card sold in Missouri to be paid by the supplier. The taxes, less two percent of the total amount paid which may be retained by the supplier, shall be paid on a monthly basis to the commission, by each supplier of bingo supplies and shall be due on the last day of the month following the month in which the bingo card was sold, with the date of sale being the date on the invoice evidencing the sale, along with such reports as may be required by the commission. The taxes shall be deposited in the state treasury, credited to the bingo proceeds for education fund.

2. All taxes not paid to the commission by the person or licensee required to remit the same on the date when the same becomes due and payable to the commission under the provisions of sections 313.005 to 313.085 shall bear interest at the rate to be set by the commission not to exceed two percent per calendar month, or fraction thereof, from and after such date until paid. In addition, the commission may impose a penalty not to exceed three times the amount of taxes due for failure to submit the reports required by this section and pay the taxes due.]"; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 3** is out of order as it goes beyond the title and scope of the bill.

Senator Bartle assumed the Chair.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Crowell raised the point of order that **SS** for **SCS** for **HCS** for **HBs 2062** and **1518** is out of order as it goes beyond the scope and title of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

SCS for **HCS** for **HBs 2062** and **1518** was again taken up.

Senator Stouffer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 2062 and 1518, Pages 14-16, Section 173.234, by striking all of said section and inserting in lieu thereof the following:

"173.234. 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

- (1) "Board", the coordinating board for higher education;**
- (2) "Books", any books required for any course for which tuition was paid by a grant awarded under this section;**
- (3) "Grant", the war veteran's survivors grant as established in this section;**
- (4) "Institution of postsecondary education", any approved Missouri public institution of postsecondary education, as defined in section 173.205;**
- (5) "Survivor", a child or spouse of a war veteran;**
- (6) "Tuition", any tuition or incidental fee, or both, charged by an institution of postsecondary**

education for attendance at the institution by a student as a resident of this state. The tuition grant shall not exceed the amount of tuition charged a Missouri resident at the University of Missouri-Columbia for attendance;

(7) “War veteran”, a person who served in armed combat in the military and to whom the following criteria shall apply:

(a) The veteran was a Missouri resident when first entering the military service and at the time of death or injury; and

(b) The veteran dies as a result of combat action or the veteran's death was certified by a Veterans' Administration medical authority to be attributable to an illness that was contracted while serving in combat, or who became eighty percent disabled as a result of injuries or accidents sustained in combat action.

2. Within the limits of the amounts appropriated therefor, the coordinating board for higher education shall award annually up to twenty-five grants to survivors of war veterans to attend institutions of postsecondary education in this state, which shall continue to be awarded annually to eligible recipients as long as the recipient achieves and maintains a cumulative grade point average of at least two and one-half on a four point scale, or its equivalent. If the waiting list of eligible survivors exceeds fifty, the coordinating board may petition the general assembly to expand the quota. If the quota is not expanded, then the eligibility of survivors on the waiting list shall be extended.

3. A survivor may receive a grant under this section only so long as the survivor is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. In no event shall a survivor receive a grant beyond the completion of the first baccalaureate degree, regardless of age.

4. The coordinating board for higher education shall:

(1) Promulgate all necessary rules and regulations for the implementation of this section; and

(2) Provide the forms and determine the procedures necessary for a survivor to apply for and receive a grant under this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

6. In order to be eligible to receive a grant under this section, a survivor shall be certified as eligible by the Missouri veterans' commission. In the case of an illness-related death, such certification shall be made upon qualified medical certification by a Veterans' Administration medical authority that the illness was both a direct result of the veteran's combat service and a substantial factor in the cause of the resulting death of the veteran.

7. A survivor who is enrolled or has been accepted for enrollment as an undergraduate postsecondary student at an approved institution of postsecondary education, and who is selected to receive a grant under this section, shall receive the following:

(1) An amount not to exceed the actual tuition charged at the approved institution of postsecondary education where the survivor is enrolled or accepted for enrollment;

(2) An allowance of up to two thousand dollars per semester for room and board; and

(3) The actual cost of books, up to a maximum of five hundred dollars per semester.

8. A survivor who is a recipient of a grant may transfer from one approved public institution of postsecondary education to another without losing his or her entitlement under this section. The board shall make necessary adjustments in the amount of the grant. If a grant recipient at any time withdraws from the institution of postsecondary education so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees, room and board, books, or other charges, the institution shall pay the portion of the refund to which he or she is entitled attributable to the grant for that semester or similar grading period to the board.

9. If a survivor is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the eligible survivor.

10. Nothing in this section shall be construed as a promise or guarantee that a person will be admitted to an institution of postsecondary education or to a particular institution of postsecondary education, will be allowed to continue to attend an institution of postsecondary education after having been admitted, or will be graduated from an institution of postsecondary education.

11. The benefits conferred by this section shall be available to any academically qualified surviving spouse or children of war veterans. Surviving children who are eligible shall be permitted to apply for full benefits conferred by this section until they reach twenty-five years of age.

12. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed

Senator Stouffer moved that **SCS** for **HCS** for **HBs 2062** and **1518**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **HCS** for **HBs 2062** and **1518**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Clemens moved that **SCS** for **SB 1039**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 1039**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1039

An Act to repeal sections 190.094 and 190.335, RSMo, and to enact in lieu thereof two new sections relating to emergency services.

Was taken up.

Senator Clemens moved that **HCS** for **SCS** for **SB 1039** be adopted, which motion prevailed by the

following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Clemens, **HCS** for **SCS** for **SB 1039** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

President Pro Tem Gibbons assumed the Chair.

The President Pro Tem declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Griesheimer moved that **SCS** for **SB 1033**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 1033**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1033

An Act to repeal section 49.292, RSMo, and to enact in lieu thereof one new section relating to transfers of real property to counties.

Was taken up.

Senator Griesheimer moved that **HCS** for **SCS** for **SB 1033** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Griesheimer, **HCS** for **SCS** for **SB 1033** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Bray moved that **SB 797**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 797**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 797

An Act to repeal sections 115.087, 115.315, and 115.327, RSMo, and to enact in lieu thereof three new sections relating to elections.

Was taken up.

Senator Bray moved that **HCS** for **SB 797**, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SCS** for **SB 711**, as amended and has taken up passed **CCS** for **HCS** for **SS** for **SCS** for **SB 711**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 873**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SBs 930** and **947**, as amended and has taken up and passed **CCS** for **HCS** for **SCS** for **SBs 930** and **947**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **SCS** for **SB 720**, as amended and has taken up and passed **CCS No. 2** for **HCS** for **SCS** for **SB 720**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SBs 1181, 1100, 1262** and **1263**, as amended and has taken up and passed **CCS** for **HCS** for **SCS** for **SBs 1181, 1100, 1262** and **1263**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS No. 2** for **SS** for **SCS** for **SB 718**, as amended and has taken up and passed **CCS** for **HCS No. 2** for **SS** for **SCS** for **SB 718**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **SCR 39**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 40**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 850**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SB 1068**, with **HA 1** and **HA 3**, and has taken up and passed **CCS** for **SB 1068**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SBs 714, 933, 899 and 758**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1038**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS** for **HB 1384** and **HB 2157** and has taken up and passed **SS** for **SCS** for **HB 1384** and **HB 2157**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCR 30**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended for **HCS** for **HB 1715** and has taken up and passed **SCS** for **HCS** for **HB 1715**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1311** and has taken up and passed **SCS** for **HB 1311**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1422** and has taken up and passed **SCS** for **HB 1422**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1450** and has taken up and passed **SCS** for **HB 1450**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1570** and has taken up and passed **SCS** for **HB 1570**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1640** and has taken up and passed **SCS** for **HB 1640**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1689** and has taken up and passed **SCS** for **HB 1689**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1690** and has taken up and passed **SCS** for **HCS** for **HB 1690**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended for **HCS** for **HB 1804** and has taken up and passed **SCS** for **HCS** for **HB 1804**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1946** and has taken up and passed **SCS** for **HB 1946**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1807** and has taken up and passed **SCS** for **HCS** for **HB 1807**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 2047** and has taken up and passed **SCS** for **HB 2047**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended for **HCS** for **HB 2048** and has taken up and passed **SCS** for **HCS** for **HB 2048**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 2065** and has taken up and passed **SCS** for **HB 2065**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS**, as amended for **HCS** for **HB 2058** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 2058**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** as amended for **HCS** for **HB 1550** and has taken up and passed **SS** for **HCS** for **HB 1550**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS**, as amended for **HCS** for **HB 1790** and has taken up and passed **SS** for **HCS** for **HB 1790**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HB 2191** and has taken up and passed **SS** for **SCS** for **HB 2191**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1883** and has taken up and passed **SCS** for **HCS** for **HB 1883**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended for **HCS** for **HB 2041** and has taken up and passed **SCS** for **HCS** for **HB 2041**, as amended.

Emergency clause adopted.

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 2772, regarding John William Ringer, Dexter, which was adopted.

Senator Barnitz offered Senate Resolution No. 2773, regarding J. Girland Branstetter, Wellsville, which was adopted.

Senators Engler and Crowell offered Senate Resolution No. 2774, regarding Jane M. Mueller, Perryville, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2775, regarding David James King, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2776, regarding Jan Remley, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2777, regarding the 4th Infantry Division Long Range Reconnaissance Patrol, Long Range Patrol, Rangers, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2778, regarding Kenneth Vaughan, which was adopted.

Senator Graham offered Senate Resolution No. 2779, regarding Betsy Baker, Columbia, which was adopted.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

May 16, 2008

TO THE SECRETARY OF THE SENATE

94th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI

Herewith I return to you Senate Substitute for Senate Committee Substitute for Senate Bill No. 944 entitled:

AN ACT

To repeal section 108.250, RSMo, and to enact in lieu thereof one new section relating to state auditor compensation for bond registration, with an emergency clause.

On May 16, 2008 I approved said Senate Substitute for Senate Committee Substitute for Senate Bill No. 944.

Respectfully submitted,

MATT BLUNT

Governor

INTRODUCTIONS OF GUESTS

Senator Goodman introduced to the Senate, Caitlin Morrow, Bolivar; and Caitlin was made an honorary page.

On motion of Senator Shields, the Senate adjourned until 9:00 a.m., Wednesday, May 21, 2008.

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Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-FIRST DAY—WEDNESDAY, MAY 21, 2008

The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

RESOLUTIONS

On behalf of Senator Gibbons, Senator Vogel offered Senate Resolution No. 2780, regarding Deb Ayres, which was adopted.

On behalf of Senator Gibbons, Senator Vogel offered Senate Resolution No. 2781, regarding the Battle of Fort San Carlos Commemoration Committee, which was adopted.

On behalf of Senator Champion, Senator Vogel offered Senate Resolution No. 2782, regarding Jill Patterson, Springfield, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 2783, regarding Rosy Korff, Norborne, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 2784, regarding Jacquelynn J. Steele, La Plata, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 2785, regarding the Ninetieth Birthday of Robert A. “Bob” Monnig, Glasgow, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 2786, regarding Jane E. Fountain, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 2787, regarding Kathy M. Nelson, which was adopted.

On behalf of Senator Loudon, Senator Vogel offered Senate Resolution No. 2788, regarding Andrew James Brumleve, which was adopted.

On behalf of Senator Lager, Senator Vogel offered Senate Resolution No. 2789, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Kenneth Diggs, Savannah, which was adopted.

On behalf of Senator Loudon, Senator Vogel offered Senate Resolution No. 2790, regarding Joshua

David Andrews, Chesterfield, which was adopted.

On behalf of Senator Lager, Senator Vogel offered Senate Resolution No. 2791, regarding Bill Boner, Plattsburg, which was adopted.

On motion of Senator Vogel, the Senate adjourned until 10:00 a.m., Thursday, May 29, 2008.

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Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-SECOND DAY—THURSDAY, MAY 29, 2008

The Senate met pursuant to adjournment.

President Pro Tem Gibbons in the Chair.

RESOLUTIONS

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 2792, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wilfred Grothoff, Wardsville, which was adopted.

On behalf of Senator Kennedy, Senator Gibbons offered Senate Resolution No. 2793, regarding Matthew Joseph “Matt” Wilson, which was adopted.

On behalf of Senator Scott, Senator Gibbons offered Senate Resolution No. 2794, regarding Dennis Maruszak, which was adopted.

On behalf of Senator Scott, Senator Gibbons offered Senate Resolution No. 2795, regarding Maxine Berry, which was adopted.

On behalf of Senator Scott, Senator Gibbons offered Senate Resolution No. 2796, regarding Dr. Ronald L. McIntire, which was adopted.

On behalf of Senator Scott, Senator Gibbons offered Senate Resolution No. 2797, regarding Cynthia Elsea, which was adopted.

On behalf of Senator Scott, Senator Gibbons offered Senate Resolution No. 2798, regarding Janet Edge, which was adopted.

On behalf of Senator Bartle, Senator Gibbons offered Senate Resolution No. 2799, regarding Matthew S. Morris, which was adopted.

On behalf of Senator Bartle, Senator Gibbons offered Senate Resolution No. 2800, regarding Lysie Gabel, which was adopted.

On behalf of Senator Bartle, Senator Gibbons offered Senate Resolution No. 2801, regarding Courtney Robbins, which was adopted.

On behalf of Senator Green, Senator Gibbons offered Senate Resolution No. 2802, regarding Thomas

F. Ley, Florissant, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 2803, regarding Eric Frazee, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 2804, regarding Theresa Bisges, Jefferson City, which was adopted.

On behalf of Senator Champion, Senator Gibbons offered Senate Resolution No. 2805, regarding Karen Kramer and the nursing staff of CoxHealth, Springfield, which was adopted.

On behalf of Senator Lager, Senator Gibbons offered Senate Resolution No. 2806, regarding Caroline Pelton, which was adopted.

On behalf of Senator Lager, Senator Gibbons offered Senate Resolution No. 2807, regarding Eldon Maxwell, which was adopted.

On behalf of Senator Lager, Senator Gibbons offered Senate Resolution No. 2808, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. Fred A. Ray, Sheridan, which was adopted.

On behalf of Senator Lager, Senator Gibbons offered Senate Resolution No. 2809, regarding Frank Woodruff Buckles, Charles Town, West Virginia, which was adopted.

On behalf of Senator Wilson, Senator Gibbons offered Senate Resolution No. 2810, regarding Audrey Bullard, Kansas City, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 2811, regarding Crystal Renee Kennon, Marquand, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 2812, regarding Randi Edwards, Marquand, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 2813, regarding Paul H. Guard, Jr., which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 2814, regarding Cory Raymond King, Fredericktown, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 2815, regarding Tricia Ward, Fredericktown, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 2816, regarding Chelsea Morris, Marble Hill, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 2817, regarding Samantha Holland, Marble Hill, which was adopted.

Senator Gibbons offered Senate Resolution No. 2818, regarding Nicholas Scott Simone, Fenton, which was adopted.

On behalf of Senator Dempsey, Senator Gibbons offered Senate Resolution No. 2819, regarding Dr. David M. McAlpin, Saint Peters, which was adopted.

On behalf of Senator Engler, Senator Gibbons offered Senate Resolution No. 2820, regarding Reverend George W. Galovich, Potosi, which was adopted.

On behalf of Senator Kennedy, Senator Gibbons offered Senate Resolution No. 2821, regarding Pamela Brown, St. Louis, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 2822, regarding Bhaskaran John, Jefferson City, which was adopted.

On behalf of Senator Barnitz, Senator Gibbons offered Senate Resolution No. 2823, regarding Elizabeth Corinne Kelsey, Hermann, which was adopted.

On behalf of Senator Barnitz, Senator Gibbons offered Senate Resolution No. 2824, regarding Jayme Helen Murphy, Hermann, which was adopted.

On behalf of Senator Wilson, Senator Gibbons offered Senate Resolution No. 2825, regarding Phi Delta Kappa's 68th Midwest Regional Conference, which was adopted.

On behalf of Senator Mayer, Senator Gibbons offered Senate Resolution No. 2826, regarding Mark Plummer, which was adopted.

On behalf of Senator Mayer, Senator Gibbons offered Senate Resolution No. 2827, regarding Deborah J. Grimes, Matthews, which was adopted.

On behalf of Senator Champion, Senator Gibbons offered Senate Resolution No. 2828, regarding Mathew Thomas Heatherly, Springfield, which was adopted.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Gibbons submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SJR 45; CCS for HCS for SS for SCS for SB 711; SS for SCS for SBs 714, 933, 899 and 758; CCS for HCS No. 2 for SS for SCS for SB 718; CCS No. 2 for HCS for SCS for SB 720; CCS for HCS for SCS for SB 724; HCS for SB 733; SB 748; HCS for SCS for SBs 753, 728, 906 and 1026; CCS for HCS for SCS for SB 765; SS for SCS for SB 768; SCS for SB 788; SB 801; SCS for SB 806; HCS for SS for SCS for SBs 818 and 795; HCS for SCS for SB 830; SB 839; SCS for SB 850; HCS for SB 863; SCS for SB 873; SB 896; HCS for SCS for SB 907; CCS for HCS for SCS for SBs 930 and 947; CCS for HCS for SS for SCS for SB 931; HCS for SB 932; SB 936; HCS for SCS for SB 939; SCS for SB 951; SB 956; HCS for SB 958; SB 979; SB 980; SB 991; SB 999; HCS for SB 1002; SCS for SB 1009; SB 1016; HCS for SCS for SB 1033; SB 1038; HCS for SCS for SB 1039; SCS for SB 1040; SCS for SB 1044; SB 1061; CCS for SB 1068; SB 1073; HCS for SCS for SB 1081; SCS for SB 1105; HCS for SCS for SB 1131; SCS for SB 1139; HCS for SB 1140; SCS for SB 1150; SCS for SB 1168; HCS for SCS for SB 1170; SB 1177; CCS for HCS for SCS for SBs 1181, 1100, 1262 and 1263; SB 1187; SB 1190; and SCS for SB 1235**, begs leave to report that it has examined the same and finds that the joint resolution and bills have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SJR 45; CCS for HCS for SS for SCS for SB 711; SS for SCS for SBs 714, 933, 899 and 758; CCS for HCS No. 2 for SS for SCS for SB 718; CCS No. 2 for HCS for SCS for SB 720; CCS for HCS for SCS for SB 724; HCS for**

SB 733; SB 748; HCS for SCS for SBs 753, 728, 906 and 1026; CCS for HCS for SCS for SB 765; SS for SCS for SB 768; SCS for SB 788; SB 801; SCS for SB 806; HCS for SS for SCS for SBs 818 and 795; HCS for SCS for SB 830; SB 839; SCS for SB 850; HCS for SB 863; SCS for SB 873; SB 896; HCS for SCS for SB 907; CCS for HCS for SCS for SBs 930 and 947; CCS for HCS for SS for SCS for SB 931; HCS for SB 932; SB 936; HCS for SCS for SB 939; SCS for SB 951; SB 956; HCS for SB 958; SB 979; SB 980; SB 991; SB 999; HCS for SB 1002; SCS for SB 1009; SB 1016; HCS for SCS for SB 1033; SB 1038; HCS for SCS for SB 1039; SCS for SB 1040; SCS for SB 1044; SB 1061; CCS for SB 1068; SB 1073; HCS for SCS for SB 1081; SCS for SB 1105; HCS for SCS for SB 1131; SCS for SB 1139; HCS for SB 1140; SCS for SB 1150; SCS for SB 1168; HCS for SCS for SB 1170; SB 1177; CCS for HCS for SCS for SBs 1181, 1100, 1262 and 1263; SB 1187; SB 1190; and SCS for SB 1235, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the joint resolution and bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the joint resolution and bills were so read by the Secretary and signed by the President Pro Tem.

Also,

The President Pro Tem announced that all other business would be suspended and **HB 2001; CCS for SCS for HCS for HB 2002; CCS for SCS for HCS for HB 2003; CCS for SCS for HB 2004; CCS for SCS for HCS for HB 2005; CCS for SCS for HCS for HB 2006; CCS for SCS for HCS for HB 2007; CCS for SCS for HCS for HB 2008; CCS for SCS for HCS for HB 2009; CCS for SCS for HCS for HB 2010; CCS for SCS for HCS for HB 2011; CCS for SCS for HCS for HB 2012; CCS for SCS for HCS for HB 2013; HCS for HB 2016; CCS for SCS for HCS for HB 2023; SCS for HB 1311; HB 1313; HCS for HB 1341; HB 1354; HB 1368; HCS for HB 1380; SS for SCS for HB 1384 and HB 2157; HB 1419; SCS for HB 1422; HB 1426; SCS for HB 1450; HB 1469; CCS for SS for HCS for HBs 1549, 1771, 1395 and 2366; SS for HCS for HB 1550; SCS for HB 1570; HCS for HB 1575; HB 1608; HB 1628; SCS for HB 1640; HB 1670; SS for HB 1678; SCS for HB 1689; SCS for HCS for HB 1690; HB 1710; SCS for HCS for HB 1715; SS for SCS for HCS for HB 1779; HB 1784; SS for HCS for HB 1790; HB 1791; SCS for HCS for HB 1804; SCS for HCS for HB 1807; HB 1828; HB 1849; HB 1869; HB 1881; SCS for HCS for HB 1883; HB 1887; HCS for HB 1888; HCS for HB 1893; SCS for HB 1946; HB 1952; HB 1970; SCS for HCS for HB 2034; HCS for HB 2036; SCS for HCS for HB 2041; SCS for HB 2047; SCS for HCS for HB 2048; SS for SCS for HCS for HB 2058; SCS for HB 2065; SCS for HCS for HB 2188; SS for SCS for HB 2191; HB 2213; CCS for SS for SCS for HB 2224; HB 2233; and HCS for HB 2360,** having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

CCS for HCS for SS for SCS for SB 711; SS for SCS for SBs 714, 933, 899 and 758; CCS for HCS No. 2 for SS for SCS for SB 718; CCS No. 2 for HCS for SCS for SB 720; CCS for HCS for SCS for SB 724; HCS for SB 733; SB 748; HCS for SCS for SBs 753, 728, 906 and 1026; CCS for HCS for SCS for SB 765; SS for SCS for SB 768; SCS for SB 788; SB 801; SCS for SB 806; HCS for SS for SCS for SBs 818 and 795; HCS for SCS for SB 830; SB 839; SCS for SB 850; HCS for SB 863; SCS for SB 873; SB 896; HCS for SCS for SB 907; CCS for HCS for SCS for SBs 930 and 947; CCS for HCS for SS for SCS for SB 931; HCS for SB 932; SB 936; HCS for SCS for SB 939; SCS for SB 951; SB 956; HCS for

SB 958; SB 979; SB 980; SB 991; SB 999; HCS for SB 1002; SCS for SB 1009; SB 1016; HCS for SCS for SB 1033; SB 1038; HCS for SCS for SB 1039; SCS for SB 1040; SCS for SB 1044; SB 1061; CCS for SB 1068; SB 1073; HCS for SCS for SB 1081; SCS for SB 1105; HCS for SCS for SB 1131; SCS for SB 1139; HCS for SB 1140; SCS for SB 1150; SCS for SB 1168; HCS for SCS for SB 1170; SB 1177; CCS for HCS for SCS for SBs 1181, 1100, 1262 and 1263; SB 1187; SB 1190; and SCS for SB 1235, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

BILLS DELIVERED TO THE SECRETARY OF STATE

SJR 45, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Secretary of State by the Secretary of the Senate.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
STATE OF MISSOURI
JEFFERSON CITY
65101

May 21, 2008

TO THE SECRETARY OF THE SENATE
94TH GENERAL ASSEMBLY
SECOND REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1034 & 802 entitled:

AN ACT

To repeal section 407.300, RSMo, and to enact in lieu thereof five new sections relating to scrap metal, with penalty provisions.

On May 21, 2008 I approved said House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1034 and 802.

Respectfully submitted,
MATT BLUNT
Governor

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

May 29, 2008

Mrs. Terry Spieler
Secretary of the Senate
State Capitol
Jefferson City, MO 65101

Dear Mrs. Spieler:

Pursuant to Senate Rule 31, I am establishing the following Senate Select Committees:

- 1) **Senate Select Committee on the Missouri Housing Trust Fund** to examine ways to improve on the effectiveness of the Missouri Housing Trust Fund as well as examine means to increase funding thereof.

- 2) **Senate Select Committee on MoHealth Net Provider Rate Equalization** to examine if it is possible that an objective standard can be applied to all MoHealth Net provider reimbursement rates, and if so, how that standard should be applied.

These committees shall consist of five members, three of the Majority Party and two of the Minority Party to be named at a later date.

These committees shall be staffed by counsel from Senate Research and may hold public hearings at locations to be determined by the chairman. Reasonable, actual, and necessary expenses of these committees shall be reimbursed by the Missouri Senate.

The committees shall issue a report as to their findings and recommendations, as deemed necessary by a majority of the members of their committee, to the Missouri Senate no later than January 1, 2009 for legislative action.

Additionally, pursuant to Senate Rule 31, I hereby grant all standing committees the authority to function and hold hearings regarding issues I refer to them pertinent to their respective powers and duties to be determined at a later date.

If you have any questions, please contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

On motion of Senator Gibbons, the Senate adjourned sine die, pursuant to the Constitution.

PETER KINDER
Lieutenant Governor

TERRY L. SPIELER
Secretary of the Senate

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Journal of the Senate

NINETY-FOURTH GENERAL ASSEMBLY

OF THE

STATE OF MISSOURI

SECOND REGULAR SESSION

VETO SESSION

FIRST DAY—WEDNESDAY, SEPTEMBER 10, 2008

The Senate was called to order in Veto Session by Lieutenant Governor Peter Kinder.

Reverend Carl Gauck offered the following prayer:

“We must adjust to changing times and still hold to unchanging principles.” (Jimmy Carter)

Almighty God, today we fulfill our constitutional requirement of this Veto Session and are grateful to do so. But today will mark the last time we shall all be in attendance together. We recognize the work of those who have faithfully served here; those who have tried to address the needs of the people of this state with unfailing principles and service and especially those who will now leave the Senate. We thank You for the friendship, collegiality and respect that was earned and shared by all here. And we are thankful for the staff and employees who have given of their time and talents to make sure all things were properly done. Today is special for us Lord and we thank You for making it all possible. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Shields announced that photographers from KOMU-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Article III, Section 32 of the Constitution and is ready for the consideration of its business.

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the Ninety-fourth General Assembly, Second Regular Session, be declared to be the rules of the Veto Session of the Ninety-fourth General Assembly.

COMMUNICATIONS FROM THE GOVERNOR

The following communications, regarding vetoed Senate bills, were received by the Secretary of State, reading of which was waived:

OFFICE OF THE GOVERNOR

STATE OF MISSOURI

JEFFERSON CITY

65101

July 9, 2008

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 873 entitled:

AN ACT

To repeal sections 172.030, 172.035, 172.040, and 172.060, RSMo, and to enact in lieu thereof four new sections relating to student curators.

I disapprove of the Senate Committee Substitute for Senate Bill No. 873. My reasons for disapproval are as follows:

- I. This legislation would create "stakeholder" representatives with voting authority on the Board of Curators where currently none of the nine curators represent a specific group of university stakeholders.
- II. The bill as written would make it extremely difficult to find a student whose status of enrollment matches the student curator's term on the Board. This would significantly limit governors' ability to select the best person for the position.
- III. Student curator representatives are transitional members of the board and experience much greater turnover than its regular members.
- IV. A new policy at the University of Missouri would be inconsistent with other education institutions across the state.
- V. The makeup of the board is unclear if Missouri does not lose a congressional district after the 2010 census, but does so in a later census.
- VI. The potential to add an uneven element to the current climate of the voting members of the board by giving one area or region a stronger vote over others. This power would present potential conflicts of interest.

In addition to these objections, this legislation is also fiercely opposed by many members of the higher education community who also expressed the above concerns and more through correspondence, phone calls and conversation with me and my office.

For the above stated reasons, I am returning Senate Committee Substitute for Senate Bill No. 873 without my approval.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
STATE OF MISSOURI
JEFFERSON CITY
65101

July 10, 2008

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 1061

AN ACT

To amend chapter 58, RSMo, by adding thereto one new section relating to the registration of coroners and their assistants.

I disapprove of Senate Bill No. 1061. My reason for disapproval is as follows:

The Missouri Constitution prohibits the general assembly from passing any special law granting any special or exclusive right or privilege to any corporation, association, or individual. Mo. Const. Art. III, Sec. 40(28). Senate Bill No. 1061 would grant to the Missouri Coroners' and Medical Examiners' Association the exclusive right of having coroners, deputy coroners, and assistants to coroners register with their executive director. Senate Bill No. 1061 would also grant to the Missouri Coroners' and Medical Examiners' Association the exclusive right to train deputy coroners. Although current law grants them this right for deputy coroners seeking a salary increase, Senate Bill No. 1061 would mandate that training within six months.

Current law ties salary increases for coroners and deputy coroners to training but does not require that training. Senate Bill No. 1061 mandates that training. Requiring coroners and deputy coroners to pay for such training and subsequently requiring their respective counties to pay an increased salary results in an unfunded mandate to counties in further contravention of the Missouri Constitution. Mo. Const. Art. X, Sec. 21. The objectives of Senate Bill No. 1061 that coroners, deputy coroners and their assistants be trained, competent, and monitored are laudable. However, the manner through which Senate Bill No. 1061 pursues those objectives is not constitutionally permissible.

Respectfully,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
STATE OF MISSOURI
JEFFERSON CITY
65101

July 10, 2008

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 1190 entitled:

AN ACT

To repeal section 620.010, RSMo, and to enact in lieu thereof one new section relating to the division of professional registration.

I disapprove of Senate Bill No. 1190. My reason for disapproval is as follows:

In 2006, I signed Executive Order 06-04 to move the Divisions of Finance, Credit Unions and Professional Registration, and the State Banking Board, to the Department of Insurance, Financial Institutions and Professional Registration (DIFP) by type III transfer. Statutory codification of that reorganization plan was Truly Agreed and Finally Passed as a part of Senate Committee Substitute for Senate Bill No. 788.

Senate Bill No. 1190 and Senate Committee Substitute for Senate Bill No. 788 contain identical language relating to the division of professional registration. However, Senate Bill No. 1190 is drafted to a section of law that is deleted in Senate Committee Substitute for Senate Bill No. 788. My disapproval of this bill will complete the codification of that transfer and avoid the unnecessary reprinting of a statute that will be obsolete upon the effective date of Senate Committee Substitute for Senate Bill No. 788, which I am returning to you today with my approval.

Respectfully submitted,
MATT BLUNT

Senator Shields requested unanimous consent to allow members of the Missouri State Capitol Police force to enter the Chamber with side arms, which request was granted.

RESOLUTIONS

Senator Vogel, joined by the entire membership, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 3

Whereas, the members of the Missouri Senate feel it is altogether fitting and proper to pause from time to time to recognize individuals and organizations that have contributed to the welfare of this great state and its citizens, particularly members of the law enforcement community; and

Whereas, the members now pause to recognize Edward W. Hayob, Esquire, of Jefferson City, Missouri, who is celebrating his thirtieth year with the Missouri State Capitol Police Department with a special celebration to be held on September 13, 2008; and

Whereas, a member of United Sportsman's Club, Officer Hayob graduated from Creighton University with a Juris Doctorate in 1978 and subsequently passed the Missouri Bar exam; and

Whereas, a truly remarkable source of history and trivia concerning Missouri's capitol building, Officer Hayob is the brother of John Leo Hayob of Kansas City; and

Whereas, the members of the Missouri Senate are pleased and proud for the opportunity to formally recognize the many and various contributions of Officer Hayob during his three decades of service on the Missouri State Capitol Police force; and

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fourth General Assembly, extend our most sincere congratulations and gratitude to Officer Hayob on the illustrious occasion of his thirtieth year in the service of the great state of Missouri; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Officer Edward W. Hayob, Esquire.

Senator Shields moved that the Senate proceed to the order of business of Vetoed Bills and that the calendar be called, which motion prevailed.

Senator Graham moved that **SCS** for **SB 873** be passed, the objections of the Governor thereto notwithstanding, which motion failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman	Crowell	Days	Engler	Graham
Green	Justus	Kennedy	Koster	McKenna	Shoemyer	Smith	Wilson—16

NAYS—Senators

Bartle	Champion	Clemens	Dempsey	Gibbons	Griesheimer	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway	Rupp	Scott	Shields	Stouffer

Vogel—17

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

SB 1061 was called thereafter and no motion was taken thereon.

SB 1190 was called thereafter and no motion was taken thereon.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2008 Constitutional Veto Session and ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House of Representatives inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **SCS HB 1689**, **CCS SCS HCS HB 2003**, **CCS SCS HCS HB 2008**, **CCS SCS HCS HB 2010**, **CCS SCS HCS HB 2011** and **CCS SCS HCS HB 2023** when the bills were called by the Speaker.

RESOLUTIONS

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 4

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been duly convened as provided by Article III, Section 32 of the Constitution, made no motion to override the Governor's vetoes of Senate Bill No. 1061 and Senate Bill No. 1190 when the bills were so called by the President.

COMMUNICATIONS

Senator Coleman submitted the following:

August 27, 2008

Terry Spieler - Secretary of the Senate
State Capitol, Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler:

Pursuant to the provisions of SS/HCS/HCR 30 (2008), I hereby appoint the following senators to the Joint Interim Committee on Voice Communications Regulations.

Senator Joan Bray

Senator Rita Days

Please do not hesitate to contact me if you have any questions regarding these appointments.

Sincerely,

/s/ Maida J. Coleman

Maida J. Coleman

Minority Floor Leader

Also,

August 27, 2008

Terry Spieler - Secretary of the Senate
State Capitol, Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler:

Pursuant to the provisions of section 21.840, RSMo as passed in SCS/SB 788 (2008), I hereby appoint the following senators to the Joint Committee on Prenatal Funeral Contracts:

Senator Maida Coleman
Senator Wes Shoemaker
Senator Jolie Justus

Please do not hesitate to contact me if you have any questions regarding these appointments.

Sincerely,
/s/ Maida J. Coleman
Maida J. Coleman
Minority Floor Leader

President Pro Tem Gibbons submitted the following:

August 28, 2008

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

Dear Mrs. Spieler:

Pursuant to SS/HCS/HCR 30 (2008), I hereby appoint the following senators to the Joint Interim Committee on Voice Communications Regulation:

Senator John Griesheimer
Senator Kevin Engler
Senator Tom Dempsey

Please do not hesitate to contact me if you have any questions regarding this matter.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

Also,

August 28, 2008

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

Dear Mrs. Spieler:

Pursuant to Section 633.200, RSMo (SB 768 2008), I hereby appoint the following senator to the Missouri Commission on Autism Spectrum

Disorders:

Senator Scott Rupp

Please do not hesitate to contact me if you have any questions regarding this matter.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Also,

August 28, 2008

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

Dear Mrs. Spieler:

Pursuant to Section 21.840, RSMo (SCS SB 788 2008), I hereby appoint the following senators to the Joint Committee on Prenatal Funeral Contracts:

Senator Delbert Scott

Senator Bill Stouffer

Senator Carl Vogel

Senator Tom Dempsey

Please do not hesitate to contact me if you have any questions regarding this matter.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Senator Coleman submitted the following:

September 10, 2008

Terry Spieler – Secretary of the Senate
State Capitol, Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler:

Pursuant to the provisions of section 633.200.3(1) – which became law through the enactment of SB 768 (2008) – I hereby appoint Senator Jeff Smith to the Missouri Commission on Autism Spectrum Disorders.

Please do not hesitate to call me if you have any questions regarding this matter.

Sincerely,

/s/ Maida

Maida J. Coleman

Minority Floor Leader

INTRODUCTIONS OF GUESTS

Senator Coleman introduced to the Senate, Representative-elect Chris Carter, Representative-elect Don Calloway and Representative-elect Tishaura Jones, St. Louis.

Senator Champion introduced to the Senate, Kristen Fisher and Colin Handzinski, Michigan; and Kelisen Molloy.

On motion of Senator Shields, the Senate of the Veto Session of the Second Regular Session of the 94th General Assembly adjourned sine die, pursuant to the Constitution.

PETER KINDER
Lieutenant Governor

TERRY L. SPIELER
Secretary of Senate

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